

**PLANNING AND ZONING COMMISSION**  
**JUNE 22, 2011**  
**CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Luann Caudle  
Marisela Marin  
Guadalupe Vela  
Carlos Lopez

**P&Z ABSENT**

Mario Garza  
Rene Flores

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Sonia Carnes  
Susana De Luna

**GUESTS PRESENT**

Nicky Runnels  
Hermelinda G. Salazar  
Elsa Peña de Cruz  
Otoniel Martinez  
Fred Kurth, P.E.  
Alfonso Quintanilla, P.E.

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:02 p.m.

**CITIZENS PARTICIPATION**

There was no response upon inquiry by Chairman Sheats.

**APPROVAL OF MINUTES FOR JUNE 8, 2011**

Chairman Sheats asked if there were any corrections to the minutes for June 8, 2011. There being no corrections, Mr. Vela moved to approve the minutes as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:03 p.m.**

**Ended: 5:05 p.m.**

**ITEM # 1.1**

**Discussion and Action on Proposed Ordinance to Prohibit Recreational Vehicles (RVs) from Parking on the Front Yard/Driveways of Properties Zoned Single Family Residential (R-1)**

Mr. Salinas stated that this item was previously seen at the last meeting but the City Attorney recommended holding a public hearing on this. He mentioned that this proposal was based on neighborhood concerns expressed to Management, thus Planning was asked to amend the R-1 zoning district only to prohibit the parking of private recreational vehicles on R-1 zoned property's 'front yard area'. In this regard, the Zoning Code would add Section. 1.371-4 (d) as follows:

**Prohibited Uses:**

**(d) A recreational vehicle shall not be parked or stored within the front yard area inclusive of any paved driveway; it is further asserted that such recreational vehicles shall not be parked alongside any public or private street unless it is for temporary loading or unloading which must be completed within 48 continuous hours.**

What is being promoted by the above amendment is to promote R-1's aesthetics, and is purely a quality of life measure.

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

There was none.

Mrs. Marin asked Mr. Salinas if Planning had received any phone calls or concerns regarding the amendment.

Mr. Salinas replied, "No".

There being no comments, Mrs. Marin moved to approve the ordinance as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:05 p.m.**

**Ended: 5:09 p.m.**

**ITEM # 1.2**

**Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Burguesa Burger Restaurant  
307 E. Expressway 83  
Lot 6-D, El Pueblo Subdivision  
C-3  
Life of Use  
Nicky Runnels**

Mr. Salinas went over the write up stating that this recently opened burger restaurant is located between Conway Ave. and Mayberry Road along the north side of Expressway 83. The applicant is now requesting to offer alcoholic beverages with meals. There is no bar component within the restaurant.

- **Hours of Operation:** Monday - Thursday from 10:30a.m. to 9:00p.m., Friday and Saturday from 10:30a.m. to 10:00p.m., and closed on Sundays. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 15 employees

- **Parking:** The 1,700 sq. ft. building requires 23 spaces (1,700 / 75sqft = 22.6 parking spaces). There are 26 existing spaces, thus meeting code.
- **Section 6-4a of the Alcoholic Beverages code states:** *"Unless waived by the City Council based on special or extenuating circumstances, the sale of all alcoholic beverages within 300 feet of any church, public school, private school or public hospital, within the corporate limits of the city, is hereby prohibited. No alcoholic beverages of any kind shall be sold on any premises located within 300 feet of any church, public school, private school or public hospital."*
- **Section 6-4d states:** *"Unless waived by the City Council based on special or extenuating circumstances, the measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections"*

The subject site is 208' from the school's property line, however it is 785' from the nearest school building. Though the school property line is within the 300', the primary use is located closer to Mayberry Rd. On 5-25-11, the Alcoholic Beverages code was amended to allow the City Council to waive the separation requirement *"based on special or extenuating circumstances"*. Based on the distance from the nearest school building and how far the students would be from the restaurant, staff believes that the sale of alcohol would not be detrimental to the area. Also, this proposal, like the adjoining Pizza Hut, does not have a "bar" component. Since the sale of alcohol does not seem to be the primary intent of the restaurant, and the closer Pizza Hut has not had a detrimental effect, staff did not object to this proposal. Staff recommended approval subject to: 1) waiving the typical 300' separation to school property, 2) Wet Zone the property (if needed), and 2) 1 year re-evaluation to assess this new operation

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Nicky Runnels who resides at 1600 Iris in McAllen, was present to address any questions from the Board.

Chairman Sheats asked if Castro Elementary School was completely fenced around; if so there is no access for the kids to get back there anyway.

Mr. Zavala replied, "Yes" to the fence inquiry.

There being no other comments, Mrs. Marin moved to approve the conditional use permit as recommended by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:09 p.m.**

**Ended: 5:12 p.m.**

**ITEM # 1.3**

**Conditional Use Permit: Home Occupation – “2 Chair Beauty Salon”  
804 W. 24<sup>th</sup> Place  
Lot 74, Chaparral Heights Subdivision  
R-1  
Life of Use  
Hermelinda G. Salazar**

Mr. Salinas went over the write up stating that the subject site is located 150’ west of Holland Rd. along the north side of 24<sup>th</sup> Place. This CUP was most recently approved by P&Z on 11-17-10 where the expansion of a paved driveway was required and the removal of a temporary sign was required. The applicant has provided the expansion of the driveway and has removed the sign.

- **Days / Hours of operation:** Monday – Friday from 10:00a.m. to 7:00 p.m. (By Appointment only)
- **Staff:** Mrs. Salazar is the only person running the salon.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regulations.)

Staff recommended approval subject to a 1 year re-evaluation to keep monitoring this hair salon in the midst of a residential neighborhood.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mrs. Hermelinda G. Salazar, asked if her conditional use permit was always going to be approved for one year each time she applied for the renewal.

Mr. Salinas stated that for this time, staff was recommending approval for 1 year and next year, when she renews her permit, it could be considered for 3 years since she had consistently complied with the city’s recommendations.

There being no other comments, Mr. Vela moved to approve the conditional use permit as recommended by staff. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:12 p.m.**

**Ended: 5:16 p.m.**

**ITEM # 1.4**

**Conditional Use Permit: Drive-Thru Service Window  
at Pollito Grill Chicken  
2701 E. Griffin Parkway  
Lot 14, Adams Crossing Subdivision  
C-3  
Life of Use  
Adriana Mata**

Mr. Salinas went over the write up stating that the site is located 800' west of Taylor along the north side of Griffin Parkway within an existing commercial plaza. This CUP was most recently approved by P&Z on 11-17-10, where the removal of an off-premise directional sign on Taylor Rd. and the addition of a speed bump was required. An on-site inspection revealed that the sign was relocated but not removed, and a semblance of a speed bump had been installed; however staff anticipated that the speed bump will have to be increased in height by the CUP's next re-evaluation hearing.

- **Days / Hours of operation:** Monday through Saturday 11:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 4:00 p.m.
- **Staff:** 6 employees
- There have been no negative incidents relating to the CUP within the 6 month tenure.

Staff recommended approval subject to a 1 year re-evaluation due to continued non-compliance to sign codes; if not fully compliant within 5 days, staff to activate enforcement measures to compel compliance.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mrs. Elsa Peña de Cruz who resides at 1608 Thornwood, mentioned that the applicant, Mrs. Adriana Mata, was unable to

attend the meeting because she was out-of-town but had told her that they had already complied with staff's recommendations regarding the speed bump and moving the sign.

Mr. Salinas stated the likelihood of the speed bump needing to be raised by the next evaluation period; and that the sign on Taylor Road needed to be removed – not just relocated. He added that the sign could only have a directional arrow and Drive-Thru on it but no logos.

Mrs. Marin asked the applicant if she was receptive to staff's recommendations because staff was giving her 5 days to remove the sign or else staff would take other measures.

Mrs. Peña de Cruz understood that the only issue with the sign was that it needed to be removed from the ROW; but she understood and was willing to comply with staff's recommendations.

There being no other comments, Mrs. Marin moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:17 p.m.**

**Ended: 5:27 p.m.**

**ITEM # 2.0**

**Single Lot Variance: A .94 acre tract of land out of Lot 29-8,  
West Addition to Sharyland Subdivision  
AO-I  
Narciso & Maria Salinas**

Mr. Salinas went over the write up stating that the property is located 560' north of Mile 2 along the west side of Mayberry Rd. The property measures 100' by 410'. There was previously a home on the property that has been removed. Now, the applicant wishes to construct a new home on the subject property.

Water: There is an existing 8" water line along the west side of Mayberry Rd. which provides water service to this property. The Fire Marshal reviewed the subject property and did not require any fire hydrants since there is an existing hydrant within 500' of the property. This site falls in a City reimbursement area; waterline reimbursement due to City is \$111.96

Sewer: The home that was previously on the property was on septic tanks, however the new home will be required to tap into the existing 12" sanitary sewer line running along the east side of Mayberry Rd. The site is required to

reimburse the City \$102.97 for previous sewer work done (via reimbursement contract).

Streets: The property fronts Mayberry Rd., a future 80' ROW/57'B-B paved street. The MPO Thoroughfare Plan requires a minimum of 40' ROW from the centerline of the street. An additional 20' of ROW is required in order to meet MPO requirements. The street widening for Mayberry Rd. is also required at \$55.90 per linear foot which equates to \$5,590.00 (\$55.90 X 100.00'l.f.). There is an existing street light on the corner of Mayberry Rd. and Ramirez St. approx. 95' from the subject site, thus no street light is required.

Other Comments included: Park Fees – Since there was an existing home on the property, Park Fees are not imposed; Capital Sewer Recovery Fee – \$200.00; required 5' sidewalks - \$12.00/l.f. X 100' (100' – 12' driveway) = \$1,056.00; Exclude from the Water District; and R-1 rezoning is required (AO-I min. lot size is 1 acre; this site is under 1 acre).

Staff did not object to the single lot variance subject to: 1) Dedication of 20' additional ROW along Mayberry Road, 2) R-1 rezoning, 3) require 5' sidewalks and street widening costs, 4) payment of capital sewer recovery fee, and 5) provide proof of exclusion from the water district

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Mrs. Caudle asked why the street widening costs of Mayberry were being imposed because she didn't remember the other tracts down that area having to put that kind of money out for widening the road. She recalled that they had to dedicate the ROW but she didn't remember anyone having to pay widening fees because they paid for their piece of property in the beginning.

Mr. Salinas asked Mrs. Caudle how long ago was this.

Mrs. Caudle replied that she had not seen anything on Mayberry in a very long time with this kind of a fee. She also questioned staff on requiring sidewalks where "there were no sidewalks - none whatsoever - and to ask them to put them was not right especially when the subdivision to the north were not required to do so."

Mr. Salinas stated the money for Mayberry's sidewalks were escrowed at the subdivision stage. He added that single lot variances have street widening costs imposed but which vary on costs depending on the ROW required. The ROW is extracted and the costs to widen per linear foot were formulated by our

City Engineer. Mr. Salinas stated that everyone pays these fees when they want to development a property in the City of Mission.

Mrs. Caudle stated that she understood subdivisions that are done "by developers" factor-in all of these costs in order to make their money; but "this was not a subdivision - this was an existing lot that had a house on it, and now they wanted to build a new house to get rid of the old house."

Mr. Salinas stated that these fees were part of the single lot variance requirements.

Mr. Zavala stated that the way the City factors this requirement was through the subdivision code that didn't discern whether it's a single home-owner, a 20 acre tract; or whether it's a 1-lot or not; whether it's a house of worship, or a new city hall. The only reason why this matter was before the P&Z was because they solicited a building permit. Mr. Zavala mentioned that when anybody desiring a building permit, the subdivision law says that the City should not issue a building permit unless they comply with this code. He added that this City back in 1989 or 1990, was probably the only city that has the latitude and flexibility of what is called a single lot variance.

He mentioned that meeting subdivision codes in 2011 was expensive but it could be more expensive if they hired an engineering firm. Mr. Zavala mentioned that in any other city and even in the County, they'd be required to file and record a 1-lot subdivision. He added that this was the only city that allowed them to save from \$8000 to \$10,000 in typical engineering fees, and used these monies towards other subdivision costs that they'd be required to pay anyway. Mr. Zavala stated that he personally alerted the property owners several years ago when he met with them.

He added that he understood the comments made earlier regarding the costs because they are not a typical developer but they are a subdivider. As far as the comments regarding sidewalks, they might not be physically there but the monies are secured with the City already because it doesn't make a lot of sense to put sidewalks leading to nowhere especially if there is a lack of ROW on Mayberry; thus, once the City gets more sidewalk funds, they'll be extracted and the sidewalks would be built.

Mrs. Caudle asked if they were still lacking a lot of ROW on Mayberry between 2 and 3 mile.

Mr. Zavala stated that actually 'yes', because there is a lot of undeveloped acreage in that ½ a mile juncture.



Mrs. Caudle stated that it was hard to put up that kind of money for a road that was not even a decent road to ride on.

After a brief discussion, Chairman Sheats entertained a motion. Mr. Marin moved to approve the single lot variance as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:27 p.m.**

**Ended: 5:32 p.m.**

**ITEM # 2.1**

**Single Lot Variance: A .29 acre tract of land out of Lot 19-3,  
West Addition to Sharyland Subdivision  
AO-I  
Laura Martinez**

Mr. Salinas went over the write up stating that the property was at 508 Los Ebanos Road. The site measures 102.02' along Los Ebanos by 126.7'. The site had an existing home, which was demolished, now the applicant wishes to construct a new home on the subject property.

Water & Sewer: Since there was an existing home before water and sewer services currently exist. There is an existing 6" water line along the east side of Los Ebanos and a fire hydrant within 500' of the site. In regard to sewer, there is an existing 4" service which connects to the existing 8" line along the west side of Los Ebanos.

Streets: The property fronts Los Ebanos Rd., a future 80' ROW/43'B/B paved street. The MPO Thoroughfare Plan requires a minimum of 40' ROW from the centerline of the street. An additional 20' of ROW is needed in order to meet mandatory MPO requirements. With ROW extracted, the lot's depth is reduced to 86.68'; however, the lot width of 100' is substantially over the typical 60' width for R-1 lots. Since R-1's minimum 6,000 sq. ft. requirement is exceeded by the net's 8,668 sq. ft., staff does not object. The street widening for Los Ebanos is also required at \$55.90 per linear foot which equates to \$5,703.06 (\$55.90 X 102.02'l.f.). There are existing street lights along Los Ebanos in this area.

Other Comments included: Park Fees – Since there was an existing home on the property, Park Fees are not imposed; Capital Sewer Recovery Fee – \$200.00; Escrow 5' sidewalks - \$12.00/l.f. X 72.02' (102.02' – 30' driveway) = \$864.24; Exclude from the Water District; and due to ROW extraction, limited depth, and high basic setback, staff recommends reducing the front setback from 35' to 30'.

Staff recommended approval subject to: 1) dedication of 20' additional ROW along Los Ebanos Rd., 2) Rezone to R-1, 3) require 5' sidewalks and street widening costs, 4) payment of capital sewer recovery fee, 5) provide proof of exclusion from the water district, and 6) no objection to a lower 30' front setback.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats asked Mr. Zavala why staff was asking for a 30' front setback.

Mr. Zavala stated that on arterial streets, the code requires 35' front setbacks but in this case with a shallower than normal lot depth, staff was willing to work with the applicant.

Chairman Sheats asked if the Board would set precedence if they approved a 25' front setback.

Mr. Zavala replied, "No, because of the unique shape of the lot next to an arterial street". Mr. Zavala said he wouldn't object to the 25' front setback.

There being no further comments, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the single lot variance as recommended by staff with a 25' front setback. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:32 p.m.**

**Ended: 5:43 p.m.**

**ITEM # 3.0**

**Pre-Final Plat Approval: Cardinal Waves Subdivision  
20.76 acre tract being all of  
Lots 77 & 80, Nick Doffing Subdivision  
Rural ETJ  
Developer: Cardinal Estates, LTD  
Engineer: Quintanilla, Headley & Associates**

Mr. Zavala went over the write up stating that the subdivision is located approximately ½ mile north of Mile 6 along the east side of Brushline Road. The subdivision consists of 34 lots, where Lots 1, 23, 24, & 34 shall have the option of being used for commercial or multi-family purposes. All other lots shall be used for residential purposes.

Water: The water CCN belongs to AGUA SUD. The developer is providing water by connecting to an existing 8" water line located along the east side of Brushline Rd. and extending a new 8" line east into the proposed subdivision and looping the system with Doffing Crossing's existing 8" line. The developer is installing 4 new hydrants. Staff did not object to the hydrant locations.

Sewer: Sanitary sewer service for this subdivision will be addressed by individual on site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (NOTE: Mission sewer is 3.74 miles away).

Streets & Storm Drainage: The lots will be fronting 50' ROW 32' B/B paved streets built to the County's construction specifications. No residential access will be allowed from Lots 1, 23, 24, & 34 onto Brushline Rd. Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines-see HCDD #1 approved drainage report. Other Comments include: Compliance with Street alignment policy.

Staff recommends approval subject to meeting the Model Subdivision Rules and complying with the street alignment policy.

Chairman Sheats stated that he had a big concern over the gas line easement and only because it subdivides two lots and was very close to others.

The project engineer, Mr. Alfonso Quintanilla, stated that they had met with the representative from Enterprise Gas Company at the site and the Gas Company was provided with the plat's layout. The Gas Company exposed a couple of test-locations to verify the exact location of the gas line. He concluded that the Gas Company didn't have any problems with their proposed subdivision. Mr. Quintanilla noted that the gas easement document was very old. He added that the developer agreed to dedicate a 30' gas pipe line easement which would give the Gas Company a little more latitude.

Also, the County Planning Department requested that they provide an exhibit showing the lot's dimensions, a proposed/conceptual residence, and the gas line easement in order to assess it's 'buildable net area', and approve the plat. Mr. Quintanilla stated that he had met with the County yesterday, and presented the exhibits, whereafter the County approved them.

Chairman Sheats asked how would the conceptual housing placement exhibit be forwarded to the 2<sup>nd</sup> or 3<sup>rd</sup> buyer down the road.

Mr. Quintanilla stated that when permits are sought for Lots 7 & 11, the County will open the file and alert their staff where the house should be placed.

Chairman Sheats asked if Mr. Quintanilla's idea of forwarding the information to future owners would work.

Mr. Zavala stated that it always works in the County like that.

Mrs. Marin stated that it worked to the point to have the septic tanks installed as to their location, but she was un-sure on the actual home's placement.

Mrs. Caudle asked if those two lots with large gas easements were going to have plat note restrictions.

Mr. Quintanilla stated that Lots 7 & 11 would have a plat restriction since they would be the most affected by the easement.

Mrs. Marin asked if this note would be placed on the plat as well.

Mr. Zavala addressed Mr. Sheats' question by agreeing that Mr. Quintanilla's response was right because when a homeowner desires to move-in a wood frame home, build a masonry structure, or move-in a mobile home, they must secure a county building permit. At this application for permit stage, the County staff needs to be vigilant by reviewing the accompanying plat notes, applicable building setbacks, and other encumbrances. Mr. Zavala suggested that perhaps to enhance the easement's importance to its future usage, Alfonso could hatch-mark the plat reflecting the gas easement as a 'no build zone'. Mr. Zavala also added that, in fairness to the property owner, IF the gas easement is ever removed or abandoned, the subject property owner could recuperate the property as buildable area.

Mr. Quintanilla stated that he was receptive to adding that on the plat.

Mr. Zavala stated that he would like to also add a plat note requiring county permits to install fences over any portion of the gas easement.

After a brief discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the subdivision plat as recommended by staff including the plat note for 'no building' over the gas line easement, hatch-marking the easement on the plat as a 'no build zone', and adding a plat note to secure fence permits with the County if building fences over the gas line easement. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:43 p.m.**

**Ended: 5:47 p.m.**

**ITEM # 4.0**

**Pre-Final Plat Approval: Leisure Valley Ranch RV &  
Mobile Home Park Phase IV  
13.636 acres of land out of Porcion 79  
And all of Lot 1, MUD No. 1 Subdivision  
Rural ETJ  
Developer: Jack Martin  
Engineer: Melden & Hunt, Inc.**

Mr. Salinas went over the write up stating that the proposed subdivision is the next phase of the Martin Valley Ranch development and is at the  $\frac{3}{4}$  mile alignment of Western Road but accessed via the various public streets of the previous phases. This subdivision consists of 21 residential lots.

Water: The Hidalgo County Municipal Utility District No. 1 has entered into a contract with the developer in which they have promised to provide sufficient water for at least 30 years. The developer is proposing to provide water service by installing an 8" lines into an existing 8" network of lines located east of the proposed subdivision. The developer is proposing 2 fire hydrants, exceeding the minimum requirements for a subdivision in our Rural ETJ.

Sewer: Sewer service is proposed through the installation of a new 8" line that will flow into the new M.U.D. sewer plant located just north of the proposed street (Lot 1). Hidalgo County Municipal Utility District No. 1 owns and maintains the sanitary sewer mains and services.

Streets & Storm Drainage: The developer is proposing one new street approximately 1450' in length running southwesterly from the existing Fairway Dr. The street is proposed as a 50' ROW 32' B-B street, thus complying with prevailing county codes. The drainage for this new development will be provided through an 18" storm line that will drain into an existing pond on the north side of the subdivision that, when full, will then drain into another pond located to the south of the subdivision through a 12" bleeder line. Being in the Rural ETJ, Leisure Valley only needs to meet County drainage policies.

Staff recommended approval subject to complying with County codes and any minor format findings.

Chairman Sheats asked if the applicant or representative were present.

The Project Engineer, Mr. Fred Kurth was present to address any questions from the Board.

There being no comments, Chairman Sheats entertained a motion. Mr. Vela moved to approve the subdivision plat as recommended by Staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:47 p.m.**

**Ended: 5:55 p.m.**

**ITEM # 5.0**

**Pre-Final Plat Approval: Riverside Estates at Sharyland Subdivision  
17.80 acres out of Lots 125 & 126,  
John H. Shary Subdivision  
R-1A/C-3  
Developer: Alan Land, L.P.  
Engineer: CLH Engineering, Inc.**

Mr. Salinas went over the write up stating that the subdivision is located east of the intersection of San Miguel Dr. and Shary Road. It was pre-final approved by P&Z on 2-28-07. Since its approval, the subdivision has taken longer than usual to complete construction; however it appears that the road and utilities have finally been completed and approved by our Public Works Department. Since this subdivision had been dormant for so long and is finally about to be completed, Staff felt that it would be more appropriate to bring it back for review to ensure that no subdivision codes had changed. We have also received a variance request from the owner asking not to require a sidewalk along the north and south side of San Miguel Dr.

Section 98-145. Sidewalks states: "Sidewalks shall be installed along both sides of residential streets which serve as collectors of traffic from streets as approaches to schools, playgrounds, shopping centers and other focal points of the community..."

The developer is proposing a new commercial plaza on Lot 1 of the recorded Riverside Plaza and Lot 1, Block 1 of this subdivision. Please notice the larger sidewalk within the plaza and the open ditch along the north side of San Miguel Dr. The developer's idea is to invite pedestrian traffic from the neighborhood to go through the plaza area in order to get to Shary Rd. Not only will this get people into the plaza area, but it would keep people away from the street and the open ditch. Staff does not object to the variance request subject to a note on the plat requiring a perpetual landscape hedge to be installed and maintained by the owner of the commercial plaza along the north side of San Miguel Dr. in order to prevent any pedestrian access into the ditch area; and perpetual walkway markings on the commercial parking lot.

Other Comments included: comply with all format findings, provide exclusion from the Water District, provide Park Fees in the amount of \$9,600.00 (\$300.00 x 32 Lots), provide Capital Sewer Recovery Fee in the amount of \$6,400.00 (\$200.00 x 32 Lots), provide Street lighting to public streets (Private streets also require street lighting), and complete the 6' buffer along the perimeter of the subdivision. Staff recommended approval subject to: 1) No objection to the 'no sidewalk' variance request as conditionally recommended; and 2) Comply with all other format findings.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats stated that he had an issue to the variance request asking not to require a sidewalk along the north and south side of San Miguel Dr.

Mrs. Caudle asked if it would be all the way down to the subdivision.

Chairman Sheats mentioned that he wanted to know that as well because on the layout it showed the yellow stripes all the way down.

Mr. Salinas stated that it would only be to the commercial area.

Mrs. Caudle stated that it needed to be defined because to her it seems like it was the whole street.

Chairman Sheats stated that sidewalks needed to be indicated in the plat they needed to show how they were proposing to get from point A to the entrance of the retail portion.

Mrs. Marin mentioned that the plat indicates that there is going to be a 10' fence.

Mr. Zavala stated that they were proposing to have a security gate. Also, he said that sidewalks would be required in all areas needing to be filled-in or the gaps including it's frontage to Shary Road.

Mr. Salinas stated that this was going to be a private gated community.

Chairman Sheats asked if the developer was proposing to put a hedge on the north side near the ditch.

Mr. Salinas stated that maintenance would be perpetual.

Mrs. Caudle asked if staff could monitor that the landscaping is maintained.

Mr. Salinas stated that it was added perpetually.

There being no further comments, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the subdivision plat as recommended by staff inclusive of sidewalks in-filling the gaps. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:55 p.m.**

**Ended: 5:58 p.m.**

**ITEM # 6.0**

**Pre-Final Plat Approval: Taurus No. 20 Subdivision  
10 acres being Lot 6,  
Miller Bros. Nursery Re-Subdivision  
R-1 & C-2  
Developer: Leonel Bazan  
Engineer: Melden & Hunt, Inc.**

Mr. Salinas went over the write up stating that the subdivision is located on the SE intersection of Mile 2 and Moorefield Road. The plat was given pre-final approval by P&Z on 9-27-06. Since its approval, the subdivision has taken longer than usual to complete construction (purchase of water district ROW; CCN decertification (from AGUA to City of Mission); relocating phone poles, etc. The road and utilities have finally been completed and are pending 'final approval' by the Public Works Department. Utility testing and other minor items are being resolved as of this writing.

Since this subdivision had been dormant for so long and is about to be completed, Staff felt that it would be more appropriate to bring it back for review/action. Upon review, the proposed subdivision is still meeting the City's Subdivision Code as proposed. Also, the plat's fees have been taken care of, too (Park Fees, sewer capital recovery, etc.). The following items are still lacking in order to be recorded: Comply with all format findings, Provide exclusion from the Water District, Provide Street lighting, Complete the 6' safety fence along 2 Mile Rd. (Fence along ditch has been completed.) Staff recommended approval subject to: 1) Memos of approval from the Public Works Department, and 2) Meet Codes on street lighting, Water District exclusion, safety fence along 2 Mile.

Chairman Sheats asked if the applicant or representative were present.



The Project Engineer, Mr. Fred Kurth, was present to address any questions from the Board.

After a brief discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the subdivision plat as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:58 p.m.**

**Ended: 6:02 p.m.**

**ITEM # 7.0**

**Discussion and Action for an Amendment to Chapter 110, Article III, Division 4, Section 110-463 of the City of Mission Code of Ordinances to Add Parking Requirements for Pool Halls**

Mr. Salinas went over the write up stating that after receiving a recent request for a new pool hall, staff noticed that Mission’s parking code did not include such a category. Realizing that pool tables are congregation areas for customers though to a lesser degree than a regular restaurant table, parking per billiard table should be considered, too.

In reviewing parking codes from other cities, we found the following:

City	Parking Code Requirement
Edinburg	2 spaces for every billiard table
Houston	2 spaces for every billiard table
San Antonio	5 spaces for every 1000 sf
Waco	1 space for every 100 sf
*We also searched McAllen, Weslaco, Pharr, Dallas, Austin, Fort Worth, but they had no requirements for billiards.	

Staff noted that under our current code, a 6,783 sq. ft. building with 22 billiard tables would require 20 spaces; whereas the new amendment would require 44 spaces factoring-in 2 people using the billiard table.

Since a minimum of two people would be playing billiards per table, it would make sense to amend our parking code to include billiard halls at a ratio of 2 parking spaces per billiard table. This code would only be applied to new businesses proposing pool tables. Staff recommended approval.

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

Mrs. Marin mentioned that she knew the city had different types of parking requirements depending on the type of business. She added that for a billiard hall, the proposed requirement seemed "a lot".

Chairman Sheats stated that Mrs. Marin was having a hard time accepting that the City was going to do an amendment just for billiards.

Mr. Zavala briefed the P&Z on a previous CUP (that was not approved) for a billiards hall that met our parking code 'on paper', but realistically, more parking was needed with the 20+ billiard tables the applicant was proposing.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the amendment as presented by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM # 8.0**  
**ADJOURNMENT**

There being no further items for discussion, Mr. Vela moved to adjourn the meeting. Mrs. Caudle seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:03 p.m.

---

Ned Sheats, Chairman  
Planning and Zoning Commission