

PLANNING AND ZONING COMMISSION
AUGUST 27, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Rene A. Flores
Ned Sheats
Mario Garza
Carlos Lopez
Abiel Flores
Marisela Marin
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna
Irasema Dimas
J.P.Terrazas
Chief Robert Domínguez
Officer Marce Elizalde
Officer Adrian Guerra

GUEST PRESENT

Tanya R. Garza	David Garza
Maria Ester Salinas	Jovanna Villarreal
Ida Garza	Nohemí Martinez
Jose Martinez	Gloria Rincon
Priscilla Blanco	Irene Garza
Yolanda Garza	Andres Diaz/Mark Alvarez
Flor Magallan	Gloria Bocanegra
Norie Garza	David Garza
Pablo F. Peña, Jr.	Ivan Garcia
Alejandro Morales	Julio Guerrero
Hector Castro	

CALL TO ORDER

Chairman Rene A. Flores called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Rene A. Flores asked if there was any citizen's participation.

Mrs. Maria Ester Pena who resides at 715 Miller stated that she visited the Thrift Store located at 512 N. Conway and the city is doing some work there. She added that they were fixing the streets & sidewalks and construction there is really bad instead of just been a level ground they added another 4 inches which caused her to tripped. She mentioned that although she didn't completely fall down she did get injured which she reported to the City.

Chairman Rene A. Flores asked if this was on-going construction or construction already completed.

Mrs. Peña stated that is was finished construction because nowhere does it state otherwise. She added that another concern was that there is no access to existing businesses for wheelchairs and since her grandson is in a wheelchair and visits those thrift stores for his projects she would like the city to look into her concerns.

APPROVAL OF MINUTES FOR JULY 23, 2014

Chairman Rene A. Flores asked if there were any corrections to the minutes for July 23, 2014. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:58 p.m.

ITEM #1.1

Rezoning:

**The S. ½ of Lots 15-7 & 15-8, West Addition to Sharyland and the N. ½ of Lot 15-8, West Addition to Sharyland Subdivision (aka Lots 1-24 & 27-65, Earnhard Subdivision (U/R) & Lots 1-24 & 27-65, Melba Carter Subdivision (U/R)
C-3 & R-1 to I-1
City Initiated**

Mr. Daniel Tijerina went over the write-up stating that the property is located approximately 200' north of Trinity Road on the east side of Conway Boulevard (F.M. 1016). Entrance to the un-recorded plat is derived off of Melba Carter which runs east and west, and interfaces with Mayberry Road to the east.

SURROUNDING ZONES:

N:	I-1	- Light Industrial
	AO-P	- Agricultural Open Permanent
	R-3	- Multi-Family
E:	I-1	- Light Industrial
W:	AO-P	- Agricultural Open Permanent
S:	I-1	- Light Industrial

LAND USES: The land uses consist of open acreage, a concrete business, and Texas Citrus Exchange to the north, the MEDC Industrial Park to the east, open acreage and Limex (Produce Import/Export) to the south, and the City's sewer plant and open acreage to the west. Mr. Tijerina mentioned that the City was proposing to have the sanitation department and a sewer expansion in the future in this area.

FLUM: The Future Land Use Designation for this property is Industrial (I).

REVIEW COMMENTS:

- The surrounding land uses and zones are predominantly industrial.
- The Future Land Use Designation is Industrial (I).
- There are several commercially and industrially zoned properties within this un-recorded subdivision.

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores asked Mr. Tijerina how this change of zone would affect the residents and their land.

Mr. Tijerina stated that if the rezoning was approved it would just be changed in zone. He added that they wouldn't be able to obtain a permit to build a new house nor for home addition or expansion. Mr. Tijerina stated that the existing homes would become a legal non-conforming use and the people could continue to live there but no improvements would be

allowed. Mr. Tijerina gave an example that if a house were to burn down they would not be able to rebuild it because the zone was no longer residential.

Chairman Rene A. Flores asked what if they wanted to transfer title of their property?

Mr. Tijerina stated that they wouldn't have any problems selling or transferring the property to someone else.

Chairman Rene A. Flores asked what would happen if the new owner would want to construct a new home or addition to the existing home.

Mr. Tijerina stated that it would not be allowed because the zone was not residential any more. He added that if the home deteriorates beyond 51% of the appraised value of the home they would not be allowed to repair or rebuild the home. However, there is a process to apply for a variance to go before the Zoning Board of Adjustments and get an exception to that rule but they would need to meet certain criteria for that.

Mr. Mario Garza asked how many properties were zoned single family residential.

Mr. Tijerina stated that they were 34 residences, 16 commercial, and 12 vacant lots out of a total of 65 lots.

Mrs. Marisela Marin asked if all of the 34 residences were residential homes or did any of them have any mobile homes.

Mr. Tijerina stated that all of the homes were residential.

Mrs. Marisela Marin asked if staff had talked to the residents that owned vacant lots.

Mr. Tijerina mentioned that he has not talked to anyone. The City is only required to notify the property owners and residents within 200' radius of the public hearings and publish in the paper.

Chairman Rene A. Flores asked if there was any public opposition to the request.

Mrs. Yolanda Garza who resides at 308 Melba Carter stated that if those were the intentions of the City, why did they approve the permits for the new homes. She asked why they wouldn't leave that area the way it currently was.

Chairman Rene A. Flores stated that it would not affect the new homes because they could still live there. He added that part of the process was to make improvements or to look at the growth of the City.

Mr. Tijerina stated that the current zoning was residential and the City could not deny the permit request because it was properly zoned if the rezoning gets approved by P&Z and City Council then they would not allow any new residential construction. Mr. Tijerina stated that he

forgot to mention that the property owner whose property is zoned industrial was in favor of the rezoning as well as 2 others that have called the office.

Mrs. Priscilla Blanco who resides at 209 Melba Carter stated that their property has been in her family for a very long time and asked if at any future point were they doing to be forced to sell there property to the industrial park.

Chairman Rene A. Flores stated that her property would not be affect as long as the property remains residential and in good condition.

Mrs. Blanco asked if it would affect any title transfer because the property was currently under her moms name but later would be transferred to her.

Chairman Rene A. Flores stated that like Mr. Tijerina mentioned earlier this rezoning would not affect any title transfers.

Mrs. Gloria Bocanegra who resides at 305 Melba Carter stated that last month they were trying to rezone lots 25 & 26 and if they were not approved why is it that now they are trying to rezone the whole street.

Mr. Tijerina stated that to answer her question, this matter was taken to the City Council under executive session and after much discussion and deliberation it was determined that this is what the City's Comprehensive Plan and Future Land Use Map calls for this area to City initiate rezoning process from R-1 (Single Family Residential) to I-1 (Light Industrial) and to go through the process which is this hearing and the one on September 8th and for staff to publish in the paper and follow the rezoning process regulations.

Mrs. Marisela Marin asked if she heard correctly that the City Council denied the previous rezoning request for two lots only or did they say they would re-evaluate it.

Mr. Tijerina stated that those two lots were irrelevant at this point; he believed the Council took appropriate action at that time.

Mrs. Bocanegra stated that they were denied because the street was not for commercial use and a month later it changed.

Mr. Tijerina stated that there was a difference between the rezoning and infrastructure such as water, sewer, storm sewer, streets, and subdivision elements, and currently the item being considered is strictly for the rezoning portion of it. He added that previous rezoning followed the process and it didn't go through he believed it was a 2-2 vote and they needed a 3-2 vote.

Mrs. Bocanegra stated that she has lived there for 5 years and he was telling her that her house was worth \$0.

Chairman Rene A. Flores replied, "No that is not what he is telling you".

Mrs. Bocanegra stated that he said that if her house burned down and she didn't have insurance she would not be able to rebuild it so it would be worth nothing.

Chairman Rene A. Flores stated that he did not say that he said that at the time you would want to rebuild your home you would need to come to the City and apply for a variance within that particular zone. He added that he believed at the time they are considering her application they would take into consideration the duration of her home.

Mrs. Bocanegra stated that nobody would want to give her a loan to rebuild her home because someone from the neighborhood had already asked and was told no loans would be approved on commercial zones.

Mrs. Aida Garza who resides at 308 Melba Carter asked how is this rezoning going to benefit them. She added that to her this rezoning would not benefit them in anything on the contrary the property value would increase and so will her taxes; how it is that the Mayor says the he doesn't want them to pay more taxes that he wants them to pay less.

Chairman Rene A. Flores asked Mr. Tijerina if this change of zone would affect the tax rate or the taxes that she would have to pay.

Mr. Tijerina stated that he was not qualified to answer that question but he believed that the appraisal district would assess property values based on what is actually constructed out there, that is what they would be taxed on and not the zoning.

Mrs. Garza stated that if her house burned down she would need to re-apply for a building permit with the City which would be difficult to obtain since it didn't have the proper zoning anymore and her home has been in her family for 3 generations what she was going to do then.

Chairman Rene A. Flores stated that in the unforeseen future that something happened to her home she would have the option to apply for a variance to rebuild her home.

Mrs. Garza stated that they were opposed to the rezoning. She asked the Board how they would like it if the City changed the area they lived in. She added that the Board was not taking the time to listen to the people from the neighborhood.

Chairman Rene A. Flores stated that this was what the Board was doing presently, listening to their concerns and requests.

Mrs. Garza stated that she felt violated, that they don't listen to the residents, they don't want industrial in the area, streets were not prepared for commercial traffic, they have sewer and drainage problems, streets have not been improved, and the City would need to invest a lot in this area in order to make to industrial. She asked that the Board consider their request.

Mr. Hector Castro who resides at 305 Melba Carter stated that he has lived there for 6 years would they give him permission to built another house.

Chairman Rene A. Flores stated that he could not guarantee that but would need to go through the process like everyone else by applying for a variance.

Mr. Castro asked what would happen if they deny the permit I would still own the lot or would I be at loss.

Chairman Rene A. Flores stated that they would not be at loss because they own a home and nobody was doing anything to their home now if the variance was denied they would still own the lot.

Mrs. Noemi Martinez who resides at 304 Melba Carter stated that he just wanted to build and they are not taking into consideration the people that live there.

Chairman Rene A. Flores asked who wants to build.

Mrs. Martinez replied, "The city".

Chairman Rene A. Flores stated that nobody wants to build anything they just want to change the zone of the property so it could reconcile with the existing Comprehensive Master Plan that the City has.

Mrs. Martinez stated that they need to take into consideration that they live there.

Chairman Rene A. Flores stated that they have taken that into consideration.

Mrs. Martinez added that the taxes would be increased and even if construction was done in 35 years from now like Mr. Tijerina had mentioned previously and they would still have to be paying the taxes meanwhile.

Chairman Rene A. Flores stated that she was just making assumptions of these things because they were not sure that the taxes would be increased or that the City was not taking the residents into consideration.

Mrs. Martinez stated that all of this came about because of the industrial business that they wanted to build and it was not passed now if this rezoning is approved they are going to be built no matter what.

Chairman Rene A. Flores stated that she was correct but only if the rezoning gets approved.

Mrs. Martinez stated that the rezoning would get approved. She added that the Board wanted new reasons for opposing this requests but they couldn't give them new reasons because they didn't have any. She mentioned that her main concern was the safety of her children because they like to play in the street.

Chairman Rene A. Flores stated that all of their concerns are taken into consideration.

Mr. Ned Sheats asked Mrs. Martinez how concerned she is having her children being raised in an area surrounded by two sewer plants, garbage collection, industrial dust, heavy trucks, and everything else. Mr. Sheats stated that this has been planned and that this particular industrial plan has been in the City's Future Land Use Map as far back as he could find and has been available to anybody that has bought property or moved there and it is not a surprise to anybody or should not be that all of a sudden she seems to think that the City of Mission is doing something that they have never planned for.

Mrs. Martinez stated that if it has been in the plans for years then why they didn't start saying so a long time ago before she started building her home or anyone else started building there.

Mr. Ned Sheats stated that he didn't know when she constructed her home.

Mrs. Martinez stated that why was she given a permit for her to construct her home.

Mr. Ned Sheats stated that her permit was issued because the property is currently zoned residential and homes are allowed under that zone.

Mrs. Martinez asked if this were in the plans a long time ago why now and not back then.

Mr. Ned Sheats stated that she must have a better crystal ball than him.

Chairman Rene A. Flores stated that she needs to understand that her concerns for kids, the safety for her children were of sentimental value.

Mrs. Martinez stated that it was okay they didn't have to worry about it.

Chairman Rene A. Flores stated that he has been very patient and listened to all of their concerns and as soon as they don't hear what they want they walk out, she was going to do the same thing and that is not very professional or polite so if you come before this Board and want to be heard he would appreciate they do the same when Mr. Flores provides responses.

Mrs. Martinez stated that they were just thinking about the money.

Mrs. Irene Garza who resides at 308 Melba Carter asked Mr. Sheats if the plans have always been to make this area industrial and their health has always been their priority where were they factored in the equation. Why weren't the residents being considered?

Mr. Ned Sheats stated that they have always been at the top because believe it or not you might have a gold mine and her property in the near future might be worth about 50% more.

Mrs. Garza stated that she was the exception because she had emotional attachments to that land and she has seen money come and go and to her the land is worth more than any amount they might offer her. She added it seems that they were not even a part of that

equation when the future plan was considered because it seems like nobody cares because they don't take the residents into consideration.

Chairman Rene A. Flores stated that they were taken into consideration because they received a notice to voice their concerns.

Mr. Ned Sheats stated that this Board did not give the final answer there was still City Council and she could address them.

Mrs. Garza stated that she had talked to the City Manager, Martin Garza, as to the intentions for this property in case it got rezoned industrial and she didn't get a straight answer from him and she didn't expect to get one from this Board either.

Mr. Ned Sheats stated that he appreciated all her comments and would probably feel the same way if he owned property in Melba Carter but unfortunately he could not address the emotional part but what he could say is that every City has growth and the City could have done eminent domain and say we are going to pay what we want for your land and get out but that is not Mission instead they are taking all these steps to take the residents into consideration and they were not going to be evicted any time soon although he could not guaranteed any numbers. He stated that he didn't really see anybody living in that area in the next 5 to 10 years.

Mrs. Garza stated that she understood growth and she knows the City is growing but not that fast as it seems and she didn't really think there would be a change in the next 5 years.

Mr. Abiel Flores stated he understood the Future Land Use Map being industrial however, it is currently zoned residential and he believed that this move would put a burden on the residents even though they mentioned the option of applying for a variance for any new construction. Mr. Flores mentioned that he would have rather the City go through the eminent domain route because that way they would need to proof that there is a substantial public interest to the area for kicking out the entire neighborhood and that was just his opinion.

Mr. Mario Garza stated that he agreed with the people because recently they denied the previous rezoning request and he didn't see the need for the rezoning at this time. Besides it would be unpredictable to know what kind of neighbors the residents would have next to them.

Chairman Rene A. Flores asked if the applicant or anyone else was present in favor of the request.

In favor of the request, Mr. Julio Guerrero stated that he was the property owner of Lots 25 & 26, which was already zoned light industrial. He mentioned that his company was very quiet and yes the taxes went up but only because he has a commercial building. He added that he was in favor of the request because he would like for the road to be widened. He suggested that the City form a committee that would meet with the property owners and make plans or make them understand why this is a good idea to make this area light industrial. He suggested that City have incentives to make exchanges with the property owners.

Chairman Rene A. Flores stated that he agreed with Mr. Guerrero that there needs to be information provided to the residents and in fact maybe the City could hire Mr. Guerrero to be the spoke person on behalf of the City since he owns property in Melba Carter. He added that he was not in favor of the rezoning at this time. He feels that the City needs to talk more with the residents; don't feel this is the right step to take because there are still a lot of empty lots that have been like that for more than 50 years and really don't think they have plans to build.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Abiel Flores moved to deny the request. Mr. Mario Garza seconded the motion. Upon a vote, the motion died 2-4.

Chairman Rene A. Flores entertained a motion to approve the rezoning request. Mrs. Marisela Marin moved to approve the rezoning request as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, then motion passed 4-2 with Mr. Abiel Flores and Mario Garza dissenting.

Started: 5:58 p.m.

Ended: 6:01 p.m.

ITEM #1.2

Rezoning:

**Lot 1, Block 4, Gulf Breeze Addition
R-1 to C-3
Roberto Alvarez c/o Norie Garza**

Mr. Daniel Tijerina went over the write-up stating that the site is located on the south east side of Sunrise Lane and Conway Blvd. The lot measures 75' x 120'.

SURROUNDING ZONES: N: C-2- Neighborhood Commercial
E: R-1- Single Family Residential
W: R-4- Mobile & Modular Home District
S: C-3- General Business District

LAND USES: There is an existing commercial plaza to the north, Single Family Home to the east, a Mobile Home Park to the west and a Family Dollar to the south. The site currently has a single family home.

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

REVIEW COMMENTS: Staff notes the following:

- 1) The subject property adjoins Conway Avenue, a seven lane major thoroughfare (mandates a minimum 150' ROW).
- 2) The current FLUM shows a GC designation which is directly consistent to commercial uses.
- 3) The traffic produced along Conway Avenue is more conducive for a non-residential use, rather than having R-1 homes along such congestive traffic patterns.

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Representing the applicant, Mrs. Norie Garza from Real Estate Investments whose address is 3200 N. Bryan was present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:01 p.m.

Ended: 6:10 p.m.

ITEM #1.3

Conditional Use Permit:

**To Place a Portable Building for
the Sale of Food at Kitty's Drive-Thru
501 N. Inspiration Road
Lot 61, Georgeanna Estates Subdivision
C-3
Marc Antonio Alvarez**

Mr. Daniel Tijerina went over the write-up stating that the site is located on the NW corner of Inspiration Road and Cuesta Del Sol. The subject site currently has an existing plaza, a car wash, and a drive-thru business. The applicant wishes to place a portable structure along the front of the drive-thru business. Primary access into the site is derived off of Inspiration Road through an existing 27' driveway. There is also an existing entry off of Cuesta Del Sol. The applicant has provided a letter from the owner of Kitty's Drive-Thru to allow for the use of the restroom facilities and mentioned that both the stand and the drive-thru will be operating during the same business hours.

- **Hours of operation:** Monday – Friday from 6p.m. to 12a.m., Saturday from 6p.m. to 1a.m., & Sundays from 6p.m. to 10p.m.
- **Staff:** 4
- **Parking:** There are a total of 28 existing parking spaces for the plaza and drive-thru business. Staff does not foresee any parking issues based on the proposed hours of operation beginning at 6 p.m., and the hours of operation of the plaza closing at 7 p.m.
- **Landscaping:** During the Kitty's Drive-thru CUP, staff recommended that the south property line be buffered with additional landscaping in order to help screen the drive-thru business from the residential area located to the south. Kitty's has installed the required landscaping.

REVIEW COMMENTS: Upon a site inspection, the portable is being proposed where there used to be a metal carwash canopy that has since been removed. The canopy was removed as part of a recommendation by staff in order to provide a safe exit for the drive-thru business. Staff is concerned with the mixture of pedestrian and vehicle traffic between the drive-thru business and the portable building.

Staff recommends that the portable be placed within one of the parking stalls located along the north side of the drive-thru business. This would allow for customers to avoid walking through the exit area to place orders. If the applicant re-locates the stand, staff would not object to the placement of this portable.

RECOMMENDATION: Staff recommends approval for 1 year approval subject to:

1. Placing the portable within one of the parking stalls located along the north side of the drive-thru business;
2. Compliance with all applicable Building, Fire, and Health codes;
3. The acquisition of a Business License; and
4. No tables or chairs shall be permitted to be placed around the portable building nor within the common parking area.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

Mr. Tijerina mentioned that his understanding was that Mr. Marc Antonio Alvarez was not able to attend the meeting because he had to take care of some issues.

Mr. Ned Sheats asked if they would need to reconsider the conditional use permit for the drive-thru since he was adding the portable building for the sale of tacos.

Chairman Rene A. Flores stated that as everybody is aware he is against this type of requests because he feels that they take away from the established businesses that pay taxes. He believed that the City should have an area zoned for these types of portable structures.

Mr. Tijerina stated that Mr. Alvarez was independent from the Drive-Thru he just obtained permission from the owner of Kitty's Drive-Thru to have this portable building in that area.

Chairman Rene A. Flores stated that the letter submitted stated that it was affiliated with Kitty's Drive-Thru.

Mr. Ned Sheats stated that he agreed with the Chairman's concerns. Mr. Sheats asked if when you have a business that is expanding the current business in another matter does the

City have the right to bring this application back and say you don't have the right to expand your business without consulting the City first.

Mr. Tijerina stated that P&Z had the authority to include any other conditions as they deemed necessary if they were considering granting the request.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to deny the conditional use permit as presented. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:10 p.m.

Ended: 6:13 p.m.

ITEM #1.4

Conditional Use Permit:

**Manufacturing and Re-packaging of
Chicharrones, Mexican Candies, etc. in a C-3 Zone
3013 N. Inspiration Road, Ste. C
Lot C-3, Taurus Estates #3
C-3
Alejandro Morales**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located within an existing commercial plaza approximately 800' south of Mile 2 along the west side of Inspiration Road. The applicant is proposing to manufacture, process, and package chicharrones (fried flour snacks) and re-package Mexican candies within the existing C-3 plaza.

The Zoning Code requires the “**manufacturing...processing, packaging of food products**” to be done within an I-1 (Light Industrial Zone). However, any I-1 permitted use may be allowed in a C-3 via a CUP (Zoning Code, Art. VIII, Sect. 1.43 (3)(i)).

The applicant is proposing the use of 1 frying machine for the chicharrones and 1 machine for sealing the packages. Once the products are packaged, the chicharrones will be stored and sold wholesale to suppliers that will then sell to stores, etc.

- **Hours of operation:** Monday - Saturday from 8am to 6pm.
- **Staff:** There will be 4-6 employees operating the business.
- **Parking:** The suite requires 7 parking spaces. It is noted that the parking area is held in common (132 existing parking spaces). The employees will park in the rear of the building to maximize customer parking in the front of the plaza.

REVIEW COMMENTS: P&Z has reviewed and approved three other similar requests for the manufacturing, processing and re-packaging of food products. Staff believes that this new business will be beneficial to the current business area. As of this write-up, Staff has not received any comments for or against this proposal.

RECOMMENDATION: Staff recommends approval for 1 year subject to compliance with all Building, Fire, and Health Codes and the acquisition of a business license.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

The applicant, Mr. Alejandro Morales was present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:13 p.m.

Ended: 6:18 p.m.

ITEM #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Khaleesi's Kingdom
301 W. Griffin Parkway, Suites 2-5
Lot 1D, Mission Park Plaza Subdivision
C-3
Jovanna Villarreal**

Mr. Daniel Tijerina went over the write-up stating that the site is located within a commercial plaza approximately 750' west of Conway Avenue along the south side of Griffin Parkway. The applicant currently has a party center/restaurant which has been in operation for approximately 10 months. Ms. Villarreal is proposing to offer the sale of and on-site consumption of alcohol at events and within the restaurant.

- **Hours of Operation:** Everyday from 11:00a.m. to 9:00p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 5 employees
- **Parking:** There are 120 total seating spaces, which requires 40 parking spaces (120 seats/1 space for every 3 seats = 40 parking spaces). It is noted that the parking area is held in common (78 existing parking spaces) with other smaller suites. The business has been in operation for approximately 10 months with no reported incidents in regards to parking.
- **Landscaping:** There is existing landscaping along Griffin Parkway and is in compliance with code.
- Must comply with the City Sign Ordinance, i.e. remove the temporary signs located along Griffin Parkway and on the roof. Staff has spoken to the applicant, and she has agreed to remove the signs as directed.

REVIEW COMMENTS: Khaleesi's Kingdom is a family-oriented party center/ restaurant that successfully acclimates to its commercial location. The business is very similar to Peter Piper Pizza, which also serves alcoholic beverages. This proposal does not have a "bar" component and would not be open after 9p.m.

Since the sale of alcohol does not seem to be the primary intent and the sale of alcohol has worked at this plaza before (old Wing Stop location), staff does not object to this proposal. 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 for 1 year subject to wet zoning the property and compliance with the sign code.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mrs. Jovanna Villarreal whose address is 301 W. Griffin Parkway was present to address any questions from the Board.

Chairman Rene A. Flores asked if she was going to sell beer and wine or was she proposing to sell mixed drinks.

Mrs. Villarreal stated that she wanted to offer margaritas and piña coladas.

Chairman Rene A. Flores asked how many years has she been in business.

Mrs. Villarreal stated that she has been in the party business for 13 years but at this location for only 10 months.

Chairman Rene A. Flores suggested she remove some signs from the windows.

Ms. Diana Izaguirre stated this was not part of the recommendations.

Chairman Rene A. Flores stated that even though it was not a requirement from staff he would recommend she considers his suggestion anyway.

Mrs. Villarreal stated that she had placed them to attract business since she was new to this area but would consider the suggestions.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:18 p.m.

Ended: 6:21 p.m.

ITEM #1.6

**Conditional Use Permit Renewal: To keep an existing 14' x 20' Portable Building for Office Use
1612 W. Business Highway 83
The E. 75' of Lot 3, Mission Acres Subdivision
C-3
Servando Pruneda**

Mr. Daniel Tijerina went over the write-up stating that the 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 being used as a towing/repo service yard. The portable is setback approximately 98' from the property line and has an existing parking area for customer parking. Access to the site will be off of Business 83.

- **Hours of Operation:** Monday – Saturday from 8:30a.m. to 6:30p.m., Sundays on call.
- **Staff:** 1 employee will run the business
- **Parking:** A business office of this size requires a minimum of 4 parking spaces. The applicant has provided 4 total spaces, thus compliant with code.
- **Landscaping:** One of the requirements of the original CUP was the need to install a minimum of three trees and a combination of plants and shrubs. Upon an inspection of the site, staff noticed that the trees that had been installed in order to comply with the CUP's requirements had been removed. In speaking with the applicant, the previous operator broke his lease agreement and ended up removing the trees he had installed. The applicant has agreed to replant the required landscaping in order to improve what is currently in existence.

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 will help lessen the portable's visibility from Business 83. Staff knows that having a portable sales office along Business 83 may not be a long term desire of the City when considering aesthetics along a major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure.

RECOMMENDATION: Staff recommends approval for 1 year subject to the installation of plants, trees (3 – 7" caliper), shrubs, and grass around the perimeter of the site and building, and the acquisition of a business license.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:27 p.m.

ITEM #2.0

**Preliminary & Final Plat Approval: Ellis Subdivision No. 6
5.01 acre tract of land consisting
of all of Lot 7, Abram North Subdivision
Rural ETJ
Developer: Texcitrus Land Development Co.
Engineer: Salinas Engineering & Associates**

Mr. Bobby Salinas went over the write-up stating that the site is located 1,300 north of 4 Mile Line along the west side Davis Lane (approximately ¼ east of Abram Road. The subdivision consists of 10 lots. All lots measure ½ acre in area (21,840 sq. ft.).

WATER - The water CCN belongs to AGUA SUD. The developer is providing water service by tapping into an existing 4" water line located along the east side of Davis Lane. There are no fire hydrants provided for this Rural ETJ subdivision.

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 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 2.9 miles away).

STREETS & STORM DRAINAGE - The plat has frontage to Davis Lane, an existing 50' ROW, 24' E-E street. The plat does not require additional ROW dedication and currently complies with the City's subdivision code for properties within the Rural Development Area. The Project Engineer is proposing drainage for the subdivision with on-site detention for all lots and re-grading of the roadside ditch along Davis Ln. as permitted under County guidelines.

OTHER COMMENTS: Comply with minor format findings

RECOMMENDATION: Staff recommends approval subject to meeting the Model Subdivision Rules and complying with Hidalgo County requirements and all format findings.

Chairman Rene A. Flores asked if there was any input from the Board.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

Mrs. Marisela Marin asked if no fire hydrants were required for this subdivision.

Mr. Salinas stated that since this subdivision was outside our water CCN and in our Rural ETJ the subdivision code does not require any.

Mrs. Marisela Marin asked how about the County.

Mr. Salinas stated that he was not sure if the County required any.

Mrs. Marisela Marin asked did the have any fire hydrants out there.

Mr. Salinas stated that because it was part of a Water Supply Corporation it didn't require any. If the Water Supply Corporation requires them or the County they either have them install them or escrow but that is at the County level.

Mrs. Marisela Marin asked what happens if later this subdivision gets annexed to the City of Mission who would be responsible for installing the fire hydrants.

Mr. Salinas stated that it would be the City's responsibility.

Mrs. Marisela Marin asked if staff would recommend it through the subdivision so that if they were ever required it would be at their expense and not the city.

Mr. Salinas stated that the County might be doing that all we could do is recommend them but as far as our code they are in compliance.

Mrs. Marisela Marin asked if it was part of our ETJ would the City want to implement it.

Mr. Salinas explained that the City had a regular Municipal ETJ 3 ½ miles away this particular ones falls outside that line and this is just the subdivision review what is called our Rural ETJ and all we have the authority is just for reviewing of the subdivision to make sure it has water, sewer, and drainage.

Ms. Diana Izaguirre stated that the County would require any hydrants besides they don't have the capacity to serve the area,

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the subdivision plat as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:27 p.m.

Ended: 6:36 p.m.

ITEM #3.0

Preliminary & Final Plat Approval: J & K Express Subdivision

**A 1.46 acre tract of land out of Lot 35-7,
West Addition to Sharyland Subdivision
Suburban ETJ**

Developer: Jesus A. Molina

Engineer: Peña Engineering

Mr. Bobby Salinas went over the write-up stating that the 1 lot plat is located approximately ¼ mile south of Mile 4 along the east side of Conway Blvd. The irregular lot size is 1.46 acres. The applicant is requesting one variance as follows:

VARIANCE: To not connect to the City's Sewer system. There is an existing sewer line along Conway over 800' from the property. Section 98-138 of the Subdivision code states that all subdivisions must be connected to an approved sewer collection system. The City's policy has been to require all subdivisions to connect to the City's sewer collection system if it is within 1,300'. Since the sewer is 800+' away from the site, the sewer should be extended. Staff cannot recommend in favor of this variance, however if the Board wishes to allow such a variance, Staff recommends that the developer provide his pro-rata share of the sanitary sewer trunk lines and pay for the sewer capital recovery fee.

WATER - The water CCN belongs to Sharyland Water Supply Corporation. There is an existing water meter on the site which is connected to an existing 8" water line located along the east side of Conway.

SEWER - The developer is proposing the use of an existing On-Site Sewage Facility (Septic Tank) to provide service to the lot. If the variance request to use a septic tank is approved, staff is requesting the pro-rata share to install the sewer lines and the sewer capital recovery fee to serve the lot. The capital sewer recovery fee equates to \$4,161.00 (\$2,850 for commercial lots outside the City Limits X 1.46 acres.)

STREETS & STORM DRAINAGE - The subdivision abuts Conway Rd. (SH 107), an existing 150' ROW High Speed Principal Arterial which requires 75' from the centerline of the road. According to the plat there is 89.75' of ROW from the NW corner of Lot 35-7. No additional ROW is required by this plat. The Project Engineer is proposing drainage for the subdivision with on-site detention, then will outfall into Conway's drainage system- see drainage report.

OTHER COMMENTS:

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- Install/Escrow 5' sidewalks along Conway Rd., If escrowed - \$955.20 (79.60' X \$12.00);
- If no street lights currently exist, must provide a street lighting plan for review.

RECOMMENDATION: Staff recommends approval subject to:

1. Denial of the variance;
2. Comply with the comments list above;
3. Provide capital sewer recovery fee;
4. Provide escrows for Conway Blvd. sidewalks.

Chairman Rene A. Flores asked if there was any input from the Board.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mr. Pablo Peña from Pablo Peña Engineering stated that his subdivision was going to be for a car lot. He added that the owner was requesting a variance to not connect to the sewer because they don't have enough money to extend the sewer line.

Chairman Rene A. Flores stated that he agreed with staff in denying the variance to not connect to the city sewer.

Ms. Diana Izaguirre stated that she disagreed with the Chairman because 800' was a lot to expand a sewer line and it would cost a lot of money to extend the sewer. She added that she understands that the City doesn't want any septic tanks but they are there for a reason. She mentioned that they would still be responsible to escrow the money so that when they extend the sewer lines they would have already paid their share for that extension.

Mr. Ned Sheats stated that then they would still have to connect to the sewer when it becomes available.

Mr. Salinas replied, "Yes".

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendation including the variance not to connect to the city's sewer line. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:36 p.m.

Ended: 6:50 p.m.

ITEM #4.0

Preliminary & Final Plat Approval:

David Garza Subdivision

The N. 2.502 acres of the S. 5 acres out

of Lot 58, New Caledonia Subdivision, Unit No. 1

Suburban ETJ

Developer: David Garza

Engineer: Rio Delta Engineering

Mr. Bobby Salinas went over the write-up stating that this 1 lot plat is located approximately ½ a mile north of Mile 2 along the west side of Schuerbach Rd. The proposed lot measures 165.19' x 660'. The applicant is requesting two variances as follows:

VARIANCE 1: To not submit the security escrow for the widening of Schuerbach Rd.

The subdivision abuts Schuerbach Rd., a future 80' ROW, 57' B-B paved street. Section 98-

134 of the Subdivision code requires the developer to be responsible for the widening of streets if they are directly adjacent to that particular street. The City has required the widening or security in lieu of in all subdivisions. Thus, Staff cannot recommend in favor of this variance.

VARIANCE 2: To not connect to the City's Sewer system. There is an existing sewer line on Schuerbach Rd. located approx. 330' from the property. Section 98-138 of the Subdivision code states that all subdivisions must be connected to an approved sewer collection system. Since the sewer is only 330' away from the site, the sewer should be extended. Staff cannot recommend in favor of this variance, however if the Board wishes to allow such a variance, Staff recommends that the developer provide his pro-rata share of the sanitary sewer trunk lines and pay for the sewer capital recovery fee.

WATER - The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 6" line located along the east side of Schuerbach Rd. to provide water service to the lot.

SEWER - The developer is proposing the use of an existing On-Site Sewage Facility (Septic Tank) to provide service to the lot. If the variance request to use a septic tank is approved, staff is requesting the pro-rata share to install the sewer lines and the sewer capital recovery fee to serve the lot. The capital sewer recovery fee equates to \$750.00 for residential (County) lots.

STREETS & STORM DRAINAGE - The subdivision abuts Schuerbach road, which is a future 80' ROW, 57' B/B paved street as required by the MPO and the City's Standards Manual. If the proposed variance is not approved, the developer must provide the escrow for the widening of Schuerbach Rd., which equates to \$9,234.12 (165.19' X \$55.90/l.f.). The Project Engineer is proposing drainage for the subdivision with on-site detention for the residential lot as permitted under County guidelines-see drainage report.

OTHER COMMENTS

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- Install/Escrow 5' sidewalks along Schuerbach Rd., If escrowed - \$1,742.28 (145.19' x \$12.00);
- If no street lights currently exist, must provide a street lighting plan for review and install/escrow street lighting if needed.

RECOMMENDATION

Staff recommends approval subject to:

5. Denial of Variances 1 & 2;
6. Comply with the comments list above;
7. Provide capital sewer recovery fee;
8. Provide escrows for Schuerbach Rd. widening & sidewalks;

Chairman Rene A. Flores asked if there was any input from the Board.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mr. Ivan Garcia from Rio Delta Engineering whose office is in Edinburg & the developer Mr. David Garza were present to address any questions from the Board.

Chairman Rene A. Flores asked Mr. Garza if this would be his home.

Mr. Garza replied, "Yes".

Ms. Diana Izaguirre stated that this line was closer than the previous request.

Chairman Rene A. Flores asked if it was the cost or distance.

Mr. Garza stated that it was the cost to extend the sewer line. He added that it had septic tank, water, and light. He mentioned it has been in his wife family for 14 years and it was passed to them with hopes to construct their residence for his family. He asked the Board to take into consideration the requests that they have approved in the pasts to other developers.

Chairman Rene A. Flores asked if it was as to the sewer, sidewalk or what.

Mr. Garza stated that it was to everything sidewalk, sewer, etc.

Ms. Diana Izaguirre asked where they would need to connect to the north or south.

Mr. Salinas stated that they would need to connect to the south to Randolph Subdivision.

Mr. Ned Sheats asked if by escrowing or putting off the connection to the sewer system slowing down the extension to the sewer system.

Mr. Salinas clarified that there has been no variances granted in regards to the street widening or sewer extension what they done is a contractual agreement which is like a lien once they pay then we release the agreement. He added that the other homes that have been build in the area this is what they have done sign a contractual agreement.

Ms. Izaguirre stated that typically people subdivide against to other properties and the city makes you connect to the sewer especially when you have subdivisions with more than 20 to 40 lots. She added that she would never approve a variance to connect even if it was more than 300' if the subdivision was going to have that many lots but when its like a 1 lot subdivision that is the only reason why she would consider approving it because once they develop next to them they are bound to connect to the sewer line.

Mrs. Marisela Marin asked what about the street widening.

Mr. Salinas stated that they have not granted any variance for street widening.

Chairman Rene A. Flores asked if the contractual agreement would give him like a payment plan in which he would pay a certain amount per year.

Mr. Salinas stated that they would need to pay the whole amount once the city requires it.

Mr. Tijerina stated that the developer could pay and then does a reimbursement contract so that in the future anybody who connects to that sewer line would need to reimburse the developer for the costs.

Mr. Garza asked how much time the City provides on the contractual agreement to come up with the whole amount.

Mr. Salinas stated that the City only provides 90 days.

Mrs. Marisela Marin asked what is the requirement from the MPO for Schuerbach Road.

Mr. Salinas replied, "80".

Mr. Ned Sheats asked if the variance to not submit the security escrow for the widening of Schuerbach Road would be granted would the City be able to recover that escrow.

Mr. Salinas replied, "No, but if they deny the request then they would need to escrow the money".

Mr. Ivan Garcia stated that the only reason they were asking for the variance on the widening of Schuerbach Road was because there were no future plans to expand.

Mrs. Marisela Marin stated that maybe not in the near future but if its in the MPO plan then it will be done.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendation including the variance to not connect to the city's sewer. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salinas invited the P&Z Board to the Unsafe Building Abatement Training to be held on Wednesday, September 3, 2014 at the Speer Memorial Library from 8:00 a.m. to 5:00 p.m.

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Ned Sheats seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:51p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission