

**PLANNING AND ZONING COMMISSION  
AUGUST 9, 2017  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Carlos Lopez  
Julio Cerda  
Jaime Gutierrez

**P&Z ABSENT**

Diana Izaguirre  
Marisela Marin

**STAFF PRESENT**

Jaime Acevedo  
Kristin J. Warshak

**GUESTS PRESENT**

Joe Quintana  
Maricelda Quintana  
Steve Herlinger  
Alicia Mendoza  
Jose Mendoza  
Carlos Morin  
Esteban Lopez  
Ruben Garza  
Carlos Lopez  
Veronica Pena  
Hector Alaniz, Jr.

**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 JULY 26, 2017**

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

**Started: 5:01 p.m.**

**Ended: 5:04 p.m.**

**Item #1.1**

**CONDITIONAL USE PERMIT:** Home Occupation – Licensed Home Care  
2114 W. 42 ½ Street  
Lot 12, Taurus Estates No. 9, Ph. II Subdivision  
R-1  
Selina Y. Garcia

**REVIEW DATA**

**SITE:** The subject site is located near the Anita Street and W. 42 ½ Street intersection along the north side of W. 42 ½ Street. The applicant wishes to obtain a Home Occupation CUP for a licensed child care home. The home has a two car driveway off

of E. 42 ½ Street capable of accommodating the safe drop off and pick up of children – see site plan. There is a six foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children. On July 11, 2016 a CUP was granted at this location for a 1 year period to access this new operation. There have been no reported issues and the applicant wishes to continue with her operation.

- **Hours of operation:** Monday – Friday from 6:30 a.m. to 5:30 p.m.
- **Staff:** The applicant and 1 other adult run the registered home.
- Applicant must continue to be DHS certified.
- Must continue to comply with signage requirements of Sec.1.56-1 of Zoning Code.

**REVIEW COMMENTS:** Staff has received/reviewed several of these types of CUPs in the past and has not had any problems with previous others.

**RECOMMENDATION:** Approval subject to:

1. A 3 year re-evaluation in order to monitor the child care facility;
2. Must continue to be DHS certified;
3. Must continue to comply with the Home Occupation portion of the Zoning Code.

Chairman Sheats asked if there were any comments from commission to the staff on this item.

Dr. John Guerra asked Jaime Acevedo if the house next door to the applicant holds a Home Occupation permit.

Mr. Acevedo said there is no known CUP at the neighbor's property. There were improvements made to the applicant driveway for easier drop-off and pick-up for the children who attend the daycare.

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.

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

**Started: 5:04 p.m.**

**Ended: 5:20 p.m.**

**Item #1.2**

**Conditional Use Permit:** Sale and On-Site Consumption of Alcoholic Beverages -

15 de Septiembre Grito de la Independencia  
Celebration  
1822 N. Shary Road (Bannworth Park)  
A 18.40 acre tract of land out of Lot 235, John H  
Shary  
1- Day Event  
AO-I  
Camara De Comercio Internacional (CAMCOIN)  
c/o Carlos Morin

### **REVIEW DATA**

**SITE:** Site located between E. 20<sup>th</sup> Street & Sunset Lane on the East side of Shary Road. The Camara De Comercio Internacional (CAMCOIN) will be hosting a 15 de Septiembre Grito de la Independencia Celebration at Bannworth Park on September 15, 2017 and desires a Conditional Use Permit for the sale of alcohol for the 1 day event. The event will have music, comedians, kids game area, a singing and grito competition, raffle or prizes, and official grito de Independencia at 11:00 p.m. to close the celebration.

- **Hours of Operation:** Friday September 15<sup>th</sup> from 6 p.m. to 12 a.m. with alcohol sales ending at 11:00 p.m.
- **Staff:** 10 staff along with 7 volunteers
- **Parking:** Bannworth Park has a total of 200 parking spaces that will be used for this event.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' of the subject site, thus being compliant to Chapter 6, Section 6-4. However, Chapter 70, Section 70-4 of the Parks Ordinance states that alcohol consumption must cease at 10:00 p.m. This CUP would require a waiver of that section of the code.

**REVIEW COMMENTS:** The Camara De Comercio Internacional has chosen the City of Mission for this inaugural event because of the large number of immigrants from Mexico who now make up a significant portion of the City of Mission population. Event organizers expect a minimum of 250 people will attend this event.

**RECOMMENDATION:** Staff recommends approval for the 1 day event subject to event organizers coordinating with Mission P.D. to ensure adequate security personnel for this event, and waiver of Chapter 70, Section 70-4 code which limits consumption of alcohol past 10:00 p.m. in public parks.

Mr. Acevedo indicated that this will be a 1 day event to be held under the pavilion just east of the lake in the park. The Applicant is expecting approximately 250 people to attend. There will be 10 staff members and 7 volunteers will be manning the event. P&Z has received clarification as to what will be proposed to be scheduled for the event. The event will be from 6:00 p.m. to 11:00 p.m. (Board handed time schedule of events). The clean-up process and closure of the event will begin after 11:00 p.m. The Applicant will be coordinating with Mission P.D. and Mission Fire Department for public security.

After meeting with the City Manager, a recommendation that staff will be making at this time is changing the time of the GRITO Contest to 9:30 p.m. due to the City's Noise Ordinance.

Chairman Sheats asked if there were any comments from the commissioners or staff on this item.

Mr. Acevedo said that there were two calls from citizens on this Item, and the concerns were the initial public notice that was sent out did not indicate that it was going to be a 1 day event.

The Applicant is present and has a picture of the actual bracelets for those people wishing to consume alcohol. The bracelets will have either two or four tabs, and will be allowed up to a maximum of four beers to control alcohol consumption.

Chairman Sheats asked if they would be allowed to purchase more than one bracelet. Mr. Sheats asked for explanation as to what the organization is.

Mr. Acevedo explained that the organization is an international chamber of commerce.

Chairman Sheats asked how many public parking spaces are available at the site location.

Mr. Acevedo counted a total of 150 parking spaces which should be the Applicant will be making accommodations with the school district for overflow parking to the south.

Chairman Sheats asked about the quartering off of parking spaces for VIP parking, and charging for the VIP parking. He said that the park is a public area, and there is no charge for parking, and it is a public event. With no other questions, Mr. Sheats invited the Applicant to speak.

Mr. Steve Lopez, Secretary for Camara de Comercio Internacional stated that his organization is a international chamber of commerce made up of businessmen from Mexico who have businesses in the area as well as Mexico. This organization formed as a result of the need for members to be involved in the community and give back to the country. This event for example, will be for members to promote their goods and get themselves known to the community. The 15<sup>th</sup> of September is also the beginning of Hispanic Heritage Month, and we want to have an opportunity to celebrate Mexican independence which is celebrated all throughout Mexico.

Chairman Sheats thanked the Mr. Lopez for making the concession on moving the GRITO contest to 9:30 p.m. He requested cooperation from the Applicant to keep the amplifiers and sound down as to not disrupt the ducks in the park.

Mr. Lopez assured the board that not only is he the organizer of the event he will also be operating as DJ and will keep the sound down. He added that there will be TABC

bartenders who are trained to see if anyone is intoxicated, as well as trained security on site to keep control of the event.

Chairman Sheats asked if the bartenders will be accepting any tabs that have already been detached from the bracelet.

Mr. Lopez clarified that all tabs have to be pulled off in front of the bartender.

Chairman Sheats asked Mr. Acevedo about the open area beyond the parking circle.

Mr. Acevedo explained the area is open grass, and initially thought this is where the parking would be.

Mr. Lopez stated that this is where they were going to handle the overflow with golf carts ferrying people to and from back to the park.

Chairman Sheats suggested that the Applicant keep as much of the event to the park due to the heavy traffic on Shary Road especially at night.

Mr. Acevedo suggested that maybe P.D. could place traffic cones in the bike lane.

Mr. Lopez expects next year's event be larger than the initial event and be positive for the City of Mission.

Chairman Sheats asked if there was anybody present in the audience who opposed the event.

There being no further discussion, Chairman Sheats entertained a motion for approval as per staff's recommendation including the change the time of the grito contest and the authorization of the waiver of 11:00 p.m. back to 10:00 p.m. Mr. Jaime Gutierrez 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: 5:21 p.m.**

**Ended: 5:24 p.m.**

**Item #1.3**

**Conditional Use Permit:**

Sale and On-Site Consumption of Alcoholic  
Beverages - Tortas Del Jack  
4001 S. Shary Road, Ste. 350  
Lot 1, Sharyland Plantation Grove Tech Center No. 2  
PUD  
Tortas Del Jack, LLC c/o Ruben Garza

## **REVIEW DATA**

**SITE:** The 1,500 sq.ft. restaurant site is within an existing plaza located on the SE corner of San Mateo and Shary Road. Access to the site can be from one primary driveway to Shary Rd. or from separate driveways from San Mateo and San Gabriel. The applicant has been operated from this location since obtaining his Business License on March 22, 2016 and is requesting that reconsideration of his Conditional Use Permit.

- **Hours of Operation:** Monday – Sunday from 8 a.m. to 12 p.m., alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 3
- **Parking:** In viewing the floor plan, there are 28 total seating spaces for the restaurant, which require 9 parking spaces ( $28 \text{ seats} / 3 = 9.33 \text{ parking spaces}$ ). It is noted that the parking area is held in common (150 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' of the subject site, thus being compliant to Chapter 6, Section 6-4,

**REVIEW COMMENTS:** Since this operation has been in existence for over 1 year now without any concerns, since property has had this similar use for several years and seemed to work well, since there are existing restaurants that sell alcohol within this plaza, since operation would not be open after 12:00 p.m., and since the sale of alcohol does not seem to be the primary intent, staff does not object to this proposal.

**RECOMMENDATION:** Staff recommends approval of this CUP for a period of now until April 12, 2018 at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if there were any comments from the commissioners to staff on this item.

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.

Applicant, Ruben Garza, explained to the board that Tortas De Jack mainly sells tortas and tacos with alcohol consumption being 1 to 2 beers per visitor on the weekends. His main percentage of patrons comes from the schools and maquiladoras.

Chairman Sheats asked if there was anybody present in the audience who opposed the conditional use permit.

There being no further opposition or discussion, Chairman Sheats entertained a motion for approval as per staff's recommendation. Dr. John Guerra 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: 5:24 p.m.**

**Ended: 5:28 p.m.**

**Item #1.4**

**Conditional Use Permit:** Sale and On-Site Consumption of Alcoholic Beverages – El Rodeo Restaurant  
622 N. Conway Ave.  
Lot 1 Block 106, Mission Original Townsite  
C-3  
Roberto Carlos Romero

### **REVIEW DATA**

**SITE:** The existing restaurant site is located at the SE corner of Conway and Leo Najó Street. This CUP was most recently seen on August 9, 2016 at which time 1 year Conditional Use Permit was granted.

- **Hours of Operation:** Monday – Sunday from 7:00 a.m. to 3:00 p.m.
- **Staff:** 6 employees
- **Parking:** There are 96 total seating spaces, which require 32 parking spaces (96 seats/1 space for every 3 seats = 32 parking spaces). However, the property is in Mission's Central Business District (CBD); thus, exempt from parking requirements for existing structures.
- **Landscaping:** There is some existing landscaping along Conway Blvd. and the applicant had recently made significant improvements to the building and the overall site.
- **Sale of Alcohol:** Chapter 6 of the Mission Code of Ordinances states that alcohol cannot be sold within 300' of a church, school, or hospital. There are no such uses within 300' of the El Rodeo.
- Must continue to comply with the City Sign, Fire, and Health Dept. requirements.

**REVIEW COMMENTS:** El Rodeo is a family-oriented long standing restaurant that successfully acclimates well to the central business district and Staff has not received any calls or written letters objecting to the proposed CUP.

### **RECOMMENDATION**

Staff recommends approval of this CUP for a period of now until September 18, 2018 at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if there were any questions or comments from commissioners to staff.

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.

Chairman Sheats asked for a motion for approval as per staff's recommendation since there was no discussion or opposition. Dr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:28 p.m.**

**Ended: 5:30 p.m.**

**Item #1.5**

**CONDITIONAL USE PERMIT:** To have a Drive-Thru Service Window  
- Bokitas Snack Bar  
2515 S. Colorado, Ste. 11  
Lot 2, Block 2, Santa Lucia Development  
C-3  
Guillermo Cortez

### **REVIEW DATA**

**SITE:** The subject site is located at the NW corner of Colorado and Taylor Road.

**EVALUATION:** The applicant is proposing to lease a suite within this commercial development to have his Mexican snacks with a drive-thru service window establishment. Access to the site will be provided off Colorado or Taylor through an existing 24' driveway. Customers can park within the shared parking area to walk in and purchase items, or they can use the drive-thru service window.

- **Days / Hours of operation:** Monday – Sunday from 7:00a.m. to 12:00a.m.
- **Staff:** a total of 4 employees will man this operation
- **Parking:** There are a total of 74 parking spaces held in common for the plaza. In speaking to the applicant, only a large portion of her business will be for take-out, thus staff does not anticipate any concerns with parking.
- **Landscaping:** The landscaping, paving, and drainage for the entire plaza meets code.
- **Menu:** Various prepared snacks and non-alcoholic drinks along with other pre-packaged snacks will be the primary items sold from this location.

**REVIEW COMMENTS:** Applicant will have to comply with Building, Health, and Fire Departments for their Business License.

**RECOMMENDATION:** Approval subject to:



1. 1 year re-evaluation.
2. CUP is not transferable to others.
3. Compliance with Building, Fire and Health codes.

Chairman Sheats asked if commissioners had any comments or questions to staff as far as speed bumps and crossing markings. Chairman Sheats asked Jaime Acevedo if there was any pedestrian traffic in the rear.

Mr. Acevedo stated there is no pedestrian traffic in the back. It will be up to the Planning and Zoning Commission if it would want to impose a speed bump.

Chairman Sheats stated that it would be safe to have a speed bump toward the end of the driveway.

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.

There being no further discussion, Chairman Sheats entertained a motion for approval as per staff's recommendation. Dr. John Guerra moved to approve the conditional use permit as per staff's recommendation and the installation of a speed bump at the end of the drive-thru. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:30 p.m.**

**Ended: 5:34 p.m.**

**Item #1.6**

**CONDITIONAL USE PERMIT:** Buddy's Drive-Thru  
501 N. Inspiration Road  
Lot 61, Georgeanna Estates Subdivision  
C-3  
Veronica Peña

### **REVIEW DATA**

**SITE:** The site is located on the NW corner of Inspiration Rd. and Cuesta Del Sol. The subject site currently has an existing plaza, car wash, and a 45' x 22' building with two existing 12' wide garage doors on opposite sides of the building. Primary access into the drive-thru business will be from Inspiration Rd. through an existing 27' driveway leading around the building, then exiting out through the same driveway access. There is also an existing entry off of Cuesta Del Sol that may be used by the neighboring residences to the south. The PNZ granted the applicant a CUP at this location for a period of 1 year on July 11, 2016. There have been no issues at this location in its first year of operation.

- **Days / Hours of operation:** Monday – Friday from 10:00 a.m. to 12:00 a.m., Saturday from 10:00 a.m. to 1:00 a.m., and Sundays from 12:00 p.m. to 12:00 a.m.
- **Staff:** 6 employees during various shifts
- **Parking:** The drive thru business measures 990sq.ft. which requires 5 parking spaces. There are 28 existing parking spaces for the existing plaza and for the drive-thru business, plus enough space for 2 vehicles to be within the building for a total of 30 spaces. Staff does not foresee any issues with parking; however, we will be monitoring the area to see if there are any issues during the CUP's tenure.
- **Business License:** Must continue to comply with Building, Sign, Fire, and Health codes.
- **Sale of Alcohol:** Sale of alcohol for off-site consumption requires the property to be wet zoned. There are no churches, schools, or hospitals within 300', thus in compliance with code.
- **Buffering/Landscaping:** Staff had previously recommended that the south property line be buffered with a landscape hedge in order to help screen the drive-thru business from the residential area located along the south side which would help in bringing the commercial site overall into compliance with the landscaping code. This was done.

**REVIEW COMMENTS:** Staff acknowledges that the removal of the carwash canopy and the addition of a speed bump in order to provide a safe exit from the drive-thru business as previously requested were accomplished.

**RECOMMENDATION:** Approval subject to:

1. 3 year re-evaluation.
2. CUP is not transferable to others.
3. Continued compliance with Building, Fire, Sign, and Health Codes.

Chairman Sheats asked if there were any questions or comments from commissioners to staff. There being none, Mr. Sheats asked if applicant was present.

The applicant, Veronica Pena, stated she is the owner of Buddy's Drive-Thru, and has been at the site location a little over a year. She is very happy with the success of her business.

Chairman Sheats asked the audience if there was any opposition to the conditional use permit.

There being none, Chairman Sheats entertained a motion for approval as per staff's recommendation. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:34 p.m.**

**Ended: 5:39 p.m.**

**Item #1.7**

**CONDITIONAL USE PERMIT:** To construct a new 140' 'Monopole'  
Telecommunications Tower on  
property zoned AO-I (Agriculture Open Interim)  
3419-A N. Trospen Road  
50'x50' leased area of Lot 41,  
Bell Woods Co's Subdivision "C"  
AO-I  
APC Towers LLC. (T-Mobile)

### **REVIEW DATA**

**SITE:** The site is located approximately ½ mile north of 2 Mile Road along the east side of Trospen Road. Access to the 50' x 50' leased site is provided through Trospen Road. APC Towers Inc. is proposing to install new 140' tall self-supported towers with associated ground equipment. This location was chosen by T-Mobile to fill in gaps in their network and expand their cell coverage.

Section 1.36(3)(d) of the City's Zoning Code requires 'broadcast towers for radio, television, or microwave' to obtain a conditional use permit.

**REVIEW COMMENTS:** Since the towers will be within private property, and the overall height is very similar to other towers that are within the City, Staff does not object to the installation of the proposed privately owned towers for cell coverage at the proposed location.

**RECOMMENDATION:** Staff recommends approval subject to:

1. The installation of a mesh screen or solid buffer along the perimeter of the fenced in 50' x 50' area.
2. Allowing of other cell phone providers to co-locate onto this proposed tower.

Mr. Jaime Acevedo noted that the Planning and Zoning Department has seen an increase in these certain types of applications for towers. The plan for the future is to do an evaluation of how many towers are located within the City of Mission rather than just granting additional CUPs'. This is an item that will be decided other than this item tonight.

Chairman Sheats inquired as to any comments or questions from commissioners to staff.

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.

Chairman Sheats inquired as to the distance of the location of the proposed tower to the nearest property line.

Steven Herlinger appeared as representative on behalf of the applicant stating the tower will be constructed at least 225' from the nearest property line. A radius was conducted to provide a buffer.

Chairman Sheats asked in the event of the tower toppling over it will not go across Inspiration Road.

Mr. Herlinger stated the tower was designed as a monopole to stumble onto itself in 25' sections. The tower will be able to accommodate additional carriers.

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

**Started: 5:39 p.m.**

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

**Item #2.0**

**HOMESTEAD EXEMPTION**

**VARIANCE:**

The West ½ of the North 65' of Lot 48,  
Mission Acres Subdivision  
974 Truman Avenue  
R-1  
Jose Quintana

### **REVIEW DATA**

**SITE:** This property is located 250' south of Barnes Street along the east side of Truman Street. Originally Lot 48 measured 300' x 65' or 19,500 sq. ft., the parents have divided the lot in two by meets and bounds and gifted it over to their daughter. The ½ of Lot 48 measures 65' x 150' or 9,750 sq. ft. which exceeds the minimum R-1 requirements. What we have seen on the lots north of business 83 up to Barnes on the west side of Los Ebanos is that most if not all lots have 2 houses on each of the large lots. Being an older subdivision, these were likely constructed prior to the subdivision ordinance. 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:** There is an existing 4" water line along the west side of Truman. There is a fire hydrant already existing within 500' of the property so no additional hydrants are required.

**SEWER:** The site has access to an existing 12” sewer line located along the west side of Truman. The capital sewer recovery fee is waived via the HVE.

**STREETS & STORM DRAINAGE:** Since part of a recorded subdivision, this can be considered like a replat in which any additional ROW required has already been dedicated. In this case Truman is a former alley converted into a street that merely services its residents. There are no long term plans to ever expand Truman beyond its current width. Drainage is accomplished through natural flow and on site detention. There are no drainage lines close in this area.

**OTHER COMMENTS**

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

**RECOMMENDATION**

Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.) including the issuance of an address to Truman Street.

Chairman Sheats asked if there were any comments or questions from commissioners to staff.

Chairman Sheats asked if this property is located in the Mission Old Townsite.

Mr. Acevedo stated the property is located in Mission Acres which is an older area with lots being 65’ wide.

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.

Chairman Sheats asked for a motion for approval as per staff’s recommendation. Dr. John Guerra moved to approve the homestead exception variance as per staff’s recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:45 p.m.**

**Item #3.0**

**SINGLE LOT VARIANCE  
VARIANCE:**

The East ½ of the North 65' of Lot 48,  
Mission Acres Subdivision  
971 N. Los Ebanos Road  
R-1  
Jose Mendoza

### **REVIEW DATA**

**SITE:** This property is located 250' south of Barnes Street along the east side of Truman Street—**see vicinity map**. Originally Lot 48 measured 300' x 65' or 19,500 sq. ft., the parents have divided the lot in two by meets and bounds and gifted it over to their daughter. The ½ of Lot 48 measures 65' x 150' or 9,750 sq. ft. which exceeds the minimum R-1 requirements—**see survey**. The subject site is currently a single family residence thereon and because of the Homestead Exemption to western portion of Lot 48, a Single Lot Variance is required so that the eastern half of Lot 48 is also in compliance.

**WATER:** There is an existing 4" water line along the west side of Truman that serves this property. There is also a fire hydrant already existing within 500' of the property so no additional hydrants are required.

**SEWER:** The site has access to an existing 12" sewer line located along the west side of Truman. The capital sewer recovery fee is waived since home was constructed on subdivided lot prior to the City's implementation of the fee.

**STREETS:** The property fronts Los Ebanos Rd. a future 80' ROW, 54'B/B paved street. The survey shows 30' from center, thus an additional 10' are required.

### **OTHER COMMENTS**

Capital Sewer Recovery Fee – N/A (Since it's already an existing residence).

Provide proof of exclusion from the Water District.

The street light requirement is also waived since there are already street lights in the area.

The park fees are also waived since existing.

### **RECOMMENDATION**

Staff does not object to the single lot variance subject to:

1. Provide proof of exclusion from the water district.
2. Provide the additional 10' of ROW along Los Ebanos Road.

Chairman Sheats asked if there were any comments or questions from commissioners to staff.

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.

Chairman Sheats asked for a motion for approval as per staff's recommendation. Jaime Gutierrez moved to approve the single lot variance as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

### **ADJOURNMENT**

There being no further items for discussion, Mr. Julio Cerda moved to adjourn the meeting. Dr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:45 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission