PLANNING AND ZONING COMMISSION
SEPTEMBER 14, 2011
CITY COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT	STAFF PRESENT	GUESTS PRESENT
Ned Sheats	Sergio Zavala	Robert Ramirez
Carlos Lopez	Bobby Salinas	Tony Cuellar
Guadalupe Vela	Irasema Dimas	Lorenzo Adame
Luann Caudle	Susana De Luna	Robert D. Russell
Marisela Marin	Sonia Carnes	Carmen Benitez
Mario Garza	Julio Cerda	Pedro Benitez
Rene Flores		Rudy Hernandez
		Santos Mendoza
		Alfonso Quintanilla, P.E.
		Veronica Lopez
		Jose Luis Lopez
		Anette Ancer
		Mario Saenz
		Andrea Esquivel
		Diego Peña
		Mary Lou Rodriguez
		Rene Barrera, P.E
		Jose V. Narvaez
		Kelly Vela, P.E.
		Steve Spoor, 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 AUGUST 24, 2011

Chairman Sheats asked if there were any corrections to the minutes for August 24, 2011. There being no corrections, Mrs. Marin moved to approve the minutes as presented. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.
Ended: 5:18 p.m.
ITEM # 1.1
Request by Foy Johnson to Abandoned a 35' x 430' portion of La Lomita Drive Lying between Delmar Drive on the north, the

Expressway 83 to the south, and the Railroad to the west, being a 0.35 acre tract of land out of Lot 17-7, West Addition to Sharyland Subdivision

Mr. Zavala said that according to Steve Spoor, "the current configuration allows the (westbound) frontage road traffic that (need to) travel north on Conway Avenue to bypass the traffic signal at Conway and the west bound frontage road" thus the closure would 'eliminate the bypass".

There were numerous other intersections where potential bypasses could occur and occasionally do; however, just because a potential bypass is possible is not compelling enough to sustain closure of public ROWs. When Mr. Johnson purchased the adjoining property that has been Foy's for the last 29 years, he was obviously aware that the public ROW existed; thus, he fulfilled his obligation as a developer and had the pubic street paved pursuant to Subdivision Codes at the time.

On Mr. Spoor's 'congested and conflicting' traffic traveling south on La Lomita & entering the Frontage Road, which is 100' from the Conway intersection, this 'congestion' is evident depending on the time of day/time of year. For example, during the limited rush hour, you'll find fluctuating traffic congestion at many other intersections in Mission (as well as in other cities, we might add). However, we all know that the traffic dissipates during the majority non-rush hours. With 29 years of perspective and traffic history, enduring rush hours seems to be the logical choice instead of abandoning public streets.

With regard to the Frontage Road/Lomita intersection, again, this has existed for at least the last 29 years where drivers usually use common sense to enter/exit/maneuver/etc. In the past, Planning hasn't received any reports from the Mission PD indicating that this intersection is 'more unsafe' than other intersections.

On the ROW abandonment lessening the traffic ongoing northward on La Lomita and entering "Conway at the wye north of Bahia Street", this is an obvious statement, i.e., if streets are closed, then less traffic will be generated thru it. Though the 'Y' configuration with a railroad crossing at this juncture is not ideal, it has existed for decades. Again, there have yet to be any PD reports indicating that this "Y" is unusually un-safe thus compelling city intervention to re-engineer the intersection. Since Conway is a State Highway (107), TXDoT traffic engineers have designed or, at the very least, consented to La Lomita intersecting it as it currently exists.

Insofar as eliminating a 'traffic safety problem' by this abandonment, Planning has not received any empirical evidence reflecting # of accidents per year, the juncture of said accidents, the circumstances involved, any by abandoning this portion of La Lomita, what the projected traffic patterns may result in and whether those traffic patterns are any safer or not. On this though, the proper avenue for traffic safety assessment should be first to the Mission Police Department who will assess the concern as a department, and if necessary, then take the matter to the Traffic Safety Committee who will then examine Mr. Johnson's congestions & traffic safety concerns. Staff recommended denial.

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

There was no response.

Chairman Mr. Sheats asked if there was anyone in favor of the request.

Mr. Steve Spoor from Spoor Engineering who resides at 2313 N. Shary Road, Mission, Texas stated was Mr. Zavala had done a pretty good job in attempting to knock out all his reasons for requesting the abandonment. He added that La Lomita Drive exists from a right-of-way that was granted originally to the County and the map West Addition to Sharyland. The right-of-way was required to be paved during the Foy's Retail subdivision stage 29 years ago. He mentioned that with the increased traffic, conflicts are seen in this particular area. They believe that it is in the best interests of the people traveling in the area to close the street.

Mr. Spoor stated that this Board often wrestles with driveways located close to the intersections all the time especially in the commercial area. He added that this was less than 100' from Conway. He mentioned that people that use the bypass take a risk. Mr. Spoor stated that the wye was not a good intersection and, if it was abandoned, it would reduce the traffic and conflicts. He added that there were multiple access points along the East Frontage Road for the traffic going to the retail shopping center. Mr. Spoor stated that this was the perfect opportunity to take unnecessary road and put it back in the tax rolls. He mentioned that if the owner desired to put another building there, this would still have to come back to P&Z for subdivision plat approval. He stated that they were asking for a positive recommendation on abandoning La Lomita since it was "not necessary" between Del Mar and the Expressway.

Mrs. Caudle disagreed with Mr. Spoor's assessment. She said that all of the people to the east behind Foy's would have to go to Conway, and do a 'U-turn' in order to get back to it; this would be more detrimental than what

has been working for all these 29 years even with the increased population and traffic problems. Mrs. Caudle firmly stated that she would be against the abandonment.

Chairman Sheats asked Mr. Spoor if his main statement was the congested and conflicting traffic.

Mr. Spoor replied, "that the conflicting traffic was on the Expressway and La Lomita Drive intersection; and there was congestion and conflicts on La Lomita and Conway further north".

Chairman Sheats suggested that he close off the entrance between the Frontage Road and the parking lot at Conway.

Mr. Spoor asked for clarification as far as closing down the driveway on the Frontage Road and Conway.

Chairman Sheats replied, "to close down the 100' driveway off the Frontage Road and Conway".

Mr. Spoor stated that if Lomita was closed, there was no reason for the dedicated street and it could be put back in the tax rolls.

Chairman Sheats then suggested that he consider presenting this to the Traffic and Safety Committee.

Mr. Spoor stated that the City would not be spending any money at all because they were not asking for the City to pay for anything.

Mrs. Marin stated that this was confusing for "the newbies" and that being a "girl driver", it seems confusing but agreed that it should be addressed by the Traffic Safety Committee.

Mr. Garza stated that he was not sold to the abandonment idea due to "traffic congestion".

There being no further comments, Chairman Sheats entertained a motion. Mr. Garza moved to deny the request. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Spoor mentioned that he wanted clarification because staff's recommendation was for this item to be forwarded to the Mission PD/Traffic Safety Committee and the Board was denying the request without sending it the Traffic Safety Committee.

Chairman Sheats replied, "that was exactly what the Board was doing".

Started: 5:18 p.m.
Ended: 5:21 p.m.
ITEM # 1.2
Rezoning: A 0.77 acre tract out of Lot 28-6, West Addition to Sharyland Subdivision AO-I to C-1 Syed Husain Family, L.P.

Mr. Salinas went over the write-up stating that the subject site is located approximately ¼ mile south of 2 Mile Rd., along the west side Conway Avenue. The existing surrounding zones include: (AO-I) Agricultural Open Interim to the north and east and (C-1) Office Building District to the west and south. The existing Land Uses include: Open Acreage to the north, State Hwy 107 to the east, and Open acreage to the west and south. Currently the site has open acreage since the home was recently demolished. The Future Land Use Map reflects a Heavy Density (HD) designation.

According to the FLUM, the property to the immediate north is designated General Commercial (GC). Also, C-1 is the most restrictive of the commercial zones, which allows doctor's offices, banks, etc. Typically, C-1 uses are silent neighbors for much of the time. Also, on 10-25-10, P&Z approved a rezoning from R-3 to C-1 on the property south and west of this site. Staff recommends approval for C-1 since the property: 1) is adjacent to Conway Ave., a 150' ROW TxDOT corridor; 2) Commercial uses exist across Conway Ave; 3) C-1 is a low keyed neighbor; and 4) existing C-1 property abuts this site along the South and West sides.

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

There was no response.

Chairman Sheats asked if there was anyone in favor of the request.

Representing the applicant, Mr. Alfonso Quintanilla from Quintanilla, Headley & Associates, stated that he was the project engineer and was present to address any questions that the Board might have.

Chairman Sheats asked Mr. Quintanilla if he knew what would be going in there.

Mr. Quintanilla stated that the applicant wanted a medical office building.

There being no further comments, Chairman Sheats entertained a motion. Mr. Garza moved to approve the request as presented by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.
Ended: 5:26 p.m.
ITEM # 1.3
Rezoning: **A 2.153 acre tract, Lot 184, John H. Shary Subdivision C-3 to R-3 Lone Star National Bank**

Mr. Salinas went over the write-up stating that the un-platted site is 400' west of Denny's Restaurant being 550' west of Shary Road. The site has frontage to a paved street (Selena Street). The surrounding land uses include the following: a private lake used by the Twin Lakes Mobile Home Subdivision to the north, un-platted properties to the east and west, and un-platted property, & Home Depot's detention pond to the south. The surrounding zoning districts include the following: (AO-I) Agricultural Open Interim to the north and west, (C-3) General Business to the east, and (AO-I) Agricultural Open Interim & (C-4) Heavy Commercial to the south. The Future Land Use Map reflects a General Commercial (GC) designation.

The proposed Multi-Family Residential zone (R-3) is a transitional land use and zoning district from the heavy retail Shary Corridor. This type of land use is not un-common between the retail users and perhaps some other moderate zonings. Also, the R-3 can further sustain the continued C-3 retail users; and a perceived upscale R-3 development will not depreciate property values, either. Staff recommends approval.

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

Mr. Jason Billman stated that he was not in opposition but needed more information. He stated that he owned the property on the north side and wanted to know what kind of apartments they were proposing to construct.

Mr. Salinas stated that staff didn't have the schematics yet.

Mr. Billman stated that his only concern was the Lake's water near the R-3 property.

Chairman Sheats stated that they would probably require some type of buffering/security fence once they come with the site plan.

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

Started: 5:26 p.m.
Ended: 5:29 p.m.
ITEM # 1.4
Rezoning: Lot 1, and the South 25' of Lot 2, Block 1, Bel-Aire Heights Subdivision
R-1 to C-1
Dennis Jarzombek

Mr. Salinas went over the write-up stating that the subject site is located on the NW corner of Griffin Parkway and Orange Avenue. The surrounding zones include: (R-1) Single Family Residential to the north, (C-1) Office Building District to the east and south, and (AO-I) Agricultural Open Interim to the west. The surrounding land uses consist of single-family residential homes to the north, west and south, and a commercial building to the east. The subject site currently has a single family home. The Future Land Use Map reflects a General Commercial (GC) designation.

The lot is on the corner of Griffin Parkway and Orange Avenue. Lots that are adjacent to Griffin Parkway are more compatible for a non-res use as recognized by the City's FLUM designation of General Commercial to this lot. This proposal is directly consistent to the City's vision of a commercial nature, too. The site also has access to a public alley, which is a typical feature of commercial lots. A final aspect observed by Staff is that there are C-1 zonings to the immediate east and south of the site. Staff recommended approval.

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

There was no response.

Mr. Sheats asked if there was anyone in favor of the request.

There was no response.

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

Started: 5:29 p.m.
Ended: 5:30 p.m.
ITEM # 1.5
Rezoning: Lot 21, Block 4, Oakwood Estates #2
R-1 to C-3
Diego Peña

Mr. Salinas went over the write-up stating that the subject site is located on the NW corner of Griffin Parkway and Kristi Lane. The surrounding zones include: (R-1) Single Family Residential to the north, (C-3) General Business District to the east and west, and (AO-I) Agricultural Open Interim to the south. The surrounding land uses consist of single-family residential homes to the north and south, a commercial building to the east and an un-developed commercial lot to the west. The subject site is currently vacant. The Future Land Use Map reflects a General Commercial (GC) designation.

The lot is on the corner of Griffin Parkway and Kristi Lane. Lots that are adjacent to Griffin Parkway are more compatible for a non-res use as recognized by the City's FLUM designation of General Commercial to this lot. This proposal is directly consistent to the City's vision of a commercial nature, too. A final aspect observed by Staff is that there are various other commercially zoned properties along this corridor. Staff recommended approval.

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

There was no response.

Mr. Sheats asked if there was anyone in favor of the request.

There was no response.

There being no further comments, Chairman Sheats entertained a motion. Mr. Flores moved to approve the request as presented by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:30 p.m.
Ended: 5:32 p.m.
ITEM # 1.6
Rezoning: A 2.16 acre tract of land out of Lot 292,
John H. Shary Subdivision
AO-I to R-1A
Everardo Sustaita

Mr. Salinas went over the write-up stating that the subject site is located 450' west of Glasscock Road along the north side of Mile 2 Road. The surrounding zones include: (AO-I) Agricultural Open Interim in all directions. The surrounding Land Uses include: Open Acreage to the north, Single Family homes in all other directions, including the site. The FLUM shows a Lower Density (LDA) designation. The proposed zone complies with the City's Future Land Use Map, area residential land uses, and the predominant R-1A zoning. Staff recommended approval.

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

There was no response.

Mr. Sheats asked if there was anyone in favor of the request.

There was no response.

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

Started: 5:32 p.m.
Ended: 5:34 p.m.
ITEM # 1.7
Conditional Use Permit: To co-locate 3 antennas & 6 cables
To an existing telecommunications tower
803 W. Expressway 83
Lot 11, Blk. 3, Erdahl Subdivision
C-3
Life of Use
Verizon Wireless

Mr. Salinas went over the write up stating that the site is located 50' east of Olmo Street along the south side of Expressway 83. The site also has frontage to Nueces Street. Verizon is in the process of upgrading their wireless communications network in South Texas and throughout the Rio Grande Valley. As cited above, Verizon wishes to add new upgraded antennas on the existing self-support tower. There will not be any modification to the ground space nor any new electrical work associated with the project. Access to the Lot is provided through Expressway 83 or Nueces. In a highly visible area with adjoining residences to the south, Staff suggests that the antenna containment area be screened with a canvas tarp to help

improve aesthetics. Staff recommended approval subject to: **1)** Installing the canvas tarp or slats, and **2)** approval for life of use.

Mr. Salinas mentioned that he had talked to a representative from Verizon Wireless and they were receptive to installing the slats.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Robert Ramirez of Verizon Wireless was present to answer any questions from the board.

Chairman Sheats asked with Mr. Ramirez if Verizon was receptive to staff's recommendations.

Mr. Ramirez stated that they were receptive, and the slats would be installed and maintained.

There being no further comments, Chairman Sheats entertained a motion. Mr. Flores moved to approve the conditional use permit as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.
Ended: 5:42 p.m.
ITEM # 1.8
Conditional Use Permit: Home Occupation – To Operate a Federal Firearm Licensed Business
2208 Monaco Drive
Lot 19, Monaco Subdivision
R-1A
Life of Use
Robert D. Russell

Mr. Salinas went over the write-up stating that the subject site is located 820' west of Shary Road along the south side of Monaco Dr., a gated private street. The home has an approximately 100' long driveway that leads to a detached 3 car garage, thus having plenty of space for 2 off-street parking spaces for residential areas.

The applicant has his office next to the front foyer where he proposes to use as a Firearm Licensing Business. The P&Z has seen and approved a similar request in Dec. 2004 at 2706 E. 28th St., however that request included the **sale** of firearms and ammunition as well. Mr. Russell is in the process of obtaining a Federal Firearms License, which allows him to process paperwork for the issuance of the firearm if first approved by the Bureau of Alcohol, Tobacco, and Firearms. There will be no advertising on the premises and it will be operated strictly by appointment only; walk-ins are not welcomed.

- Days/Hours of operation: Monday – Friday: 5:00 p.m. to 9:00 p.m.
  Saturday: 10:00 a.m. to 6:00 p.m.
- Staff: Only the applicant will be operating the business.
- Signage: No signage is desired.

In Staff's assessment, the proposed service will not significantly increase traffic, and there will be no signage indicating that the site is anything else other than a residence. Staff did not object to an initial 1-year approved tenure. Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation; **2)** Comply with Sect. 1.56-1 of the Zoning Ordinance; and **3)** acquiring a business license after securing the Firearm License.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Robert Russell stated that he resides at 2208 Monaco Drive. He added that he would be getting a commercial address once he gets his Federal License.

Chairman Sheats stated that the only issue he had was about safety and having the ammunition at the site.

Mr. Russell replied that he wouldn't have any ammunition for sale noting he only had ammunition for his use.

Mrs. Marin asked Mr. Russell how long did the license from the Feds.

Mr. Russell was informed that it took 3 months, but the Feds want to see a copy of the city license first.

Mrs. Marin asked if the property was gated.

Mr. Russell replied that his private property was gated, and the subdivision had a gated entry.

Mrs. Marin mentioned that she only wanted to make sure that no one other than his family has access to the premises.

There being no further comments, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.
Ended: 5:46 p.m.
ITEM # 1.9
Conditional Use Permit: To Place a Hotdog Cart at Los Primos Auto Sales (Next to Halliburton)
801 N. Inspiration Road
A .69 acre tract of land known as Fernandez Strip, out of Porcion 52
I-2
Life of Use
Jose L. Lopez

Mr. Salinas went over the write-up stating that the subject site is located on the SW corner of Inspiration Road and Business Hwy 83 within Los Primos Auto Sales business. The cart will be placed under the existing covered area. Access to the site is from an existing driveway along Inspiration Road. Existing restroom facilities at Los Primos would be are available for public use.

- Hours of operation: Everyday from 1:00 p.m. to 12:00 a.m. However, they will likely start opening at 7:00 p.m. until they develop a clientele.
- Staff: The applicant and his wife will be running the stand.
- Parking: The owner of the property has agreed to clear out the front area (along Inspiration) to allow the stand the use of the parking area in front. He would be placing his cars more toward the rear of the property. Also, the car lot closes at 6:00 p.m. and would allow the hot dog cart to run on its own. Staff did not foresee any issues with parking, however they would monitor the site to verify that there are no cars parking along Inspiration Rd.
- A business license is required
- Must meet sign code; cannot place flag signs, etc.

- Must obtain approval from the City Health Department.

Staff recommended approval subject to: **1)** approval for 6 months to assess this new operation, **2)** approval from the Health Department, **3)** must meet the sign code (no flags, etc.), and **4)** acquire a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose L. Lopez was present to answer any questions from the board.

Chairman Sheats asked Mr. Lopez if he was receptive to the requirements.

Mr. Lopez replied that he would comply.

There being no further comments, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the conditional use permit as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:46 p.m.
Ended: 5:55 p.m.
ITEM # 2.0
Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Mariachuchena's Bar & Grill
302 W. Griffin Parkway, Suites A & B
Lot 2, Storage Depot Subdivision
C-3
Life of Use
Jose V. Narvaez

Mr. Salinas went over the write-up stating that the subject site is located approximately ¼ mile west of Conway Avenue along the north side of Griffin Parkway (F.M. 495). A CUP for the sale of alcohol was previously approved by P&Z at this site on 1-6-10 when it was in operation under Mr. Martin Mendoza, now a new applicant is proposing to continue this operation.

- Hours of Operation: Wednesday & Sunday – 4:00 p.m. to 12:00 a.m., Thursday-Saturday – 4:00 p.m. to 2:00 a.m., Monday & Tuesday – Closed. Alcoholic beverages will only be served during allowable State selling hours.

- Staff: 6 employees
- Parking: Viewing the floor plan, the restaurant has a total 36 seating spaces, which require 12 parking spaces (36/1 space for every 3 seats = 12 parking spaces). It is noted that the parking area is held in common (48 spaces for all suites) and is shared with other businesses. The Planning Department has not received any complaints regarding intense overflow parking under Mariachuchena's previous management.
- Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There is one residence within 300' (see aerial); however there is a solid series of storage units to the home, which is 290' to the west (Norma Andis); however, P&Z and the Council waived this separation requirement in the CUP's previous approval.
- Noise: The new applicant stated that there would be no changes in regards to having only a piano and acoustic music only.
- Must acquire a business license.

According to the Police Department, within the past 3 months, there were 2 incidents of drinking alcohol after hours (TABC violation) one in July and the 2nd one in September. Due to these incidents with the previous owner, the PD recommended a 6-month re-evaluation tenure for the new owner(s).

Staff recommended approval subject to a 6-month re-evaluation period to monitor the business.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose V. Narvaez, the applicant, stated that he was aware of the incident that happened in July but he didn't have any knowledge of the second incident.

Mr. Salinas replied that the second incident was reported to TABC and it happened on September 9, 2011. He also asked Mr. Narvaez for the name of the business manager.

Mr. Narvaez replied that the business manager was Daniel Ybarra.

Mr. Salinas mentioned that the citation was given to a Daniel Ybarra.

Mr. Narvaez stated that he wasn't made aware of it. As the new owner, his cousin always stays late after closing hours to make sure that everybody leaves and that no alcohol is consumed after hours.

Chairman Sheats stated that the Police Department had 2 incidents, and they are recommending approval for only 6 months to monitor the business more closely. He suggested that if approved, it should only be for 6 months.

There being no further comments, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the conditional use permit as recommended by staff with the 6-month tenure. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.
Ended: 6:01 p.m.
ITEM # 2.1
Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – KAVE Bar
2306 E. Expressway 83, Suites 8 & 9
Lot 1, Cimarron Crossing Phase I Subd.
C-3
Life of Use
Javier Gonzalo Fernandez

Mr. Salinas went over the write-up stating that the subject site is located near the SE corner of J.R. Drive and Expressway 83 on along the Frontage Road. The CUP was originally applied for a bar and grill, however the kitchen has been removed and is simply a bar. This CUP was previously approved by P&Z on 10-13-10 with a 1 yr. re-evaluation (City Council approved it for 3yrs). However, KAVE is changing hands, thus the new application and review.

- Hours of Operation: Wednesday – Saturday from 9:00 p.m. to 2:00 a.m. Sunday – Tuesday will be closed. Alcoholic beverages have only been served during allowable State selling hours.
- Staff: 15 employees
- Parking & Landscaping: There are 80 total seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It is noted that the parking area is held in common (100 existing parking spaces) and is shared with other businesses. KAVE has been in operation since '07 and there have been no issues in regard to off-street parking. Landscaping is currently meeting City code as long as it is maintained.
- Must obtain a business license, prior to opening the business.

According to the Police Department, there was a shooting incident in November 2010 but the incident occurred in the parking lot after closing hours. The Police Department recommended a 6-month re-evaluation tenure to closely monitor KAVE's operation with the new owners.

Staff recommended approval subject to a 6-month re-evaluation tenure to monitor the business.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Mario Saenz stated that he used to be the only owner and manager, but now he went to a partnership and there are other owners.

Mr. Garza mentioned that Mr. Saenz has little control of what happens on the parking lot after closing hours.

There being no further comments, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit for 6 months as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:01 p.m.
Ended: 6:03 p.m.
ITEM # 2.2
Conditional Use Permit Renewal: Home Occupation – Sale of Snacks & Sodas
2514 Paseo Encantado
Lot 13, Block 10, Tierra Dorada Subd.
R-1
Life of Use
Andrea Esquivel

Mr. Salinas went over the write up stating that this CUP was originally approved on 1-9-08 and has since been renewed several times most recently on 9-22-10. The subject site is located on the NE corner of Paseo Encantado and Paseo Del Rey. The applicant has her SF home thereon with 2 paved driveways off of Paseo Encantado, a residential collector. She has been operating her home occupation for the past few years from her enclosed 5' X 6' porch that has a 2' X 2' window affixed to it.

- Days / Hours of operation: Monday – Friday: 4:00 p.m. to 8:00 p.m.
  Saturday: 11:00 a.m. to 8:00 p.m.
  Sundays: Closed
- Staff**:** The applicant and her son have been running the home occupation.

Since the operation is only open for a few hours a day and since we have had no complaints, staff did not object renewing this operation with a 3 year re-evaluation to continually monitor the traffic and pedestrian safety issues especially when adjacent to a collector street. Staff recommends approval subject to a 3yr re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Andrea Esquivel, the applicant, was present to answer any questions from the board.

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

Started: 6:03 p.m.
Ended: 6:24 p.m.
ITEM # 2.3
To consider whether or not to revoke the CUP for a Drive-Thru Convenience Store at 210 N. Conway Avenue, being Lot 4, Block 40, Mission Original Townsite Subdivision

Mr. Salinas went over the write up stating that in October 2008, the City of Mission held public hearings wherein the drive-thru business would be allowed or not. It was conditionally approved based on the site plan, the testimony given at the hearings, and as predominantly shown in Ord. # 3409.

Since that time, Staff and Management have received several complaints of cars speeding off in the alley area, cars hitting the residential meters (across the alley area), and especially delivery trucks blocking the alleys for extended periods that impede the residential cars from exiting to the alley.

Staff called this to the attention of Mr. Adame and evidently, there is continued trucks parking in the alley, the bollards have not been installed to protect the residential meters, etc.

Staff has consulted with Management on this item since it isn't Planning's objective to 'shut down businesses' noting that this is a 'drive-thru store'.

With this in mind, it is hoped that Mr. Adame will provide whatever measures were required in 2008, and perhaps new safety measures, to allow both this business and the homes to harmoniously co-exist.

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

Mr. Rudy Hernandez from 205 Doherty stated that trash always flies to his property from the store and maybe they need to replace the 3 residential trash bins into a commercial bin. He also stated that maybe the applicant could add more speed bumps to impede damage to the gas meters because the drivers merely drive around it and, in doing so, hit meters, etc.

Mr. Santos Mendoza from 209 Doherty stated that he has replaced his gates twice due to the patrons exiting the business and that he had placed a rock next to the gas meter in order to impede cars from hitting it.

Mrs. Carmela Benitez and Mr. Pedro Benitez from 214 N. Conway, a Laundromat business, stated that they have been very patient with the delivery trucks blocking the alley and the front of their property thru Conway Avenue and impeding them from exiting their property. Mr. Benitez also mentioned that several patrons have gone to their property wanting to urinate in public (outside their building) and they have gotten threats ("gun") from the patrons when wanting to stop such disrespectful behavior.

Mrs. Caudle would like to know exactly what would the neighbors want.

Mr. Salinas stated that mainly the main complaints were the delivery trucks and the gas meter(s).

Chairman Sheats asked if the applicant or representative were present.

Mr. Lorenzo Adame stated that in reference to the complaint about the delivery trucks, he stated that he received a letter back in 2008 and since then he had spoken with the drivers and they have been parking within his property or along Conway Avenue, but the only truck that hasn't been doing it is the Coca Cola delivery truck.

Mrs. Marin asked how many times does the Coca Cola truck deliver.

Mr. Adame replied that they deliver once a week.

Mrs. Marin asked Mr. Adame if he has paid for the fence replacement of Mr. Mendoza.

Mr. Adame replied that he was never informed of those incidents.

Chairman Sheats stated that he would like to grant 30 calendar days to Mr. Adame in order to resolve all the issues; if not, then the board will consider closing the business with the following conditions: **1)** Place a 4" speed bump as cars exit the drive-thru (both drives), **2)** NO DELIVERY in Alley; use Conway emergency parking area where delivery truck will temporarily impede Adame's own access; Do Not have delivery trucks block any access to adjoining lots fronting Conway, **3)** Place Bollards/Steel posts protecting gas meter(s), **4)** place a "Stop Signage" for exiting cars onto alley, **5)** elongate/raise the speed bumps in alley with relocating the one near the gas meter, **6)** replace existing trash bins with commercial dumpster, and **7)** the above must be done within 30 calendar days or else the CUP will be deemed "Revoked".

Mr. Adame stated that he was willing to comply with all the requirements within the 30 days.

There being no comments, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:24 p.m.
Ended: 6:29 p.m.
ITEM # 3.0
Site Plan Approval: **Construction of 108 Apartments**
Lot 15A,
Sharyland Service Center No. 5
PUD (Multi-Family)
Sharyland Apartments

Mr. Salinas went over the write up stating that the irregular lot measures 454.66' on the west, 835.08' on the north, 735.66' to the south, and 186.77 on the east. The property is located 1000' north of Military Hwy along the east side of Shary Road. The applicant wishes to build several 3 story multi-

unit complexes, equaling 108 units overall. Each apartment ranges from 611 sq. ft. to 1,433 sq. ft. and will be divided by a minimum of 1 hr. rated firewalls. A private clubhouse is being proposed, too. All proposed setbacks are exceeding the setback reqs., thus compliant to code. Fire hydrants are proposed throughout the site as per direction of the Fire Marshal. 8" and 10" waterlines are also being provided to create an internal loop for the water system. Public easements will be required for these lines. The developer is proposing to provide 6" sewer services which will connect into an existing 8" sewer system along the south side of the property. The sewer system belongs to McAllen; however, through an interlocal agreement the maintenance is provided by the City of Mission.

Parking: The 108 units are calculated to require 216 parking spaces based on the 2:1 parking ratio. They are also proposing to remove 5 existing spaces from Ph. I in order to provide two driveway connections between the 2 phases. The applicant is proposing 241 parking spaces exceeding code by 25 spaces; all of which may be utilized between the two phases.

LANDSCAPING: The applicant is providing 45% landscaping area, exceeding the City's 10%. A combination of trees, plants, and shrubs are also being proposed along the perimeter of each complex. Aside from having staff's approval, the landscaping must also be approved by Sharyland Plantation's stringent landscaping policies, thus requiring well over the City's minimum.

BUFFERING: A fence is proposed along the perimeter of the property, where the access points will be gated and require the approval of the Fire Marshal's Office. There is one primary access off of Shary Road, and one from Santa Engracia.

Staff recommended approval subject to: **1)** Pre-Construction Conference for the installation of all utilities; **2)** Provide easements for the proposed public utility lines prior to occupancy; **3)** Payment of the park fees in the amount if $32,400.00; **4)** Install 5' sidewalks along Shary Rd. and Santa Engracia, **5)** Install street lighting along Santa Engracia, **6)** Obtain approval of the gate access from the Fire Marshal's Office; **7)** Drainage plan must be approved by the City Engineer, **8)** submit 'As-Builts' of infrastructure.

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

There being none.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Kelly Vela from Melden & Hunt was present to answer any questions from the board. Upon inquiry, she replied that the Developers were assessing the provisions of recreational amenities dependent on their surplus savings.

There being no other comments, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the site plan approval as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:29 p.m.
Ended: 6:33 p.m.
ITEM # 4.0
Pre-Final Plat Approval: Las Estrellas Subdivision No. II
7.13 ac. tract being all of Lot 10,
Nick Doffing Company Subdivision No. 4
Rural ETJ
Developer: GARCO, Ltd
Engineer: Quintanilla, Headley & Assoc.

Mr. Salinas went over the write up stating that the subdivision is located on the SW corner of Mile 6 and Minnesota Road. The subdivision consists of 6 lots, where all lots have the option of being used for commercial or multi-family purposes.

Water: The water CCN belongs to AGUA SUD. The developer is providing water service by connecting to an existing 8" water line located along the east side of Minnesota Road. No new hydrants are required by this plat, there is an existing hydrant east of Lots 5 and 6 and another east of Minnesota Road along the south side of Mile 6.

Sewer: Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drainfield on each lot. Each lot meets or exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is <u>not</u> within the City of Mission's Sewer CCN. (NOTE: Mission sewer is 2.24 miles away).

Streets & Storm Drainage: The plat dedicates an additional 15' on the perimeter of Minnesota Road to equate to 40' ROW from centerline and an additional 30' on the perimeter of Mile 6 to equate to the 50' from centerline; thus in compliance to MPO requisites. 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: Must comply with minor format findings.

Staff recommends approval subject to meeting the Model Subdivision Rules.

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

There being none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Alfonso Quintanilla from Quintanilla, Headley & Associates was present to address any questions that the Board might have.

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

Started: 6:29 p.m.
Ended: 6:33 p.m.
ITEM # 5.0
Pre-Final Plat Approval: Las Estrellas Subdivision No. III
28.01 ac. tract being all of Lot 11,
Nick Doffing Company Subdivision No. 2
Rural ETJ
Developer: GARCO, Ltd
Engineer: Quintanilla, Headley & Assoc.

Mr. Salinas went over the write up stating that the subdivision is located approximately 600' west of Minnesota Road along the north side of Mile 5 Road. The subdivision consists of 46 lots, where lots 1, 34, 35, and 46 will have the option of being used for commercial or multi-family purposes.

Water: The water CCN belongs to AGUA SUD. The developer is providing water service by connecting to an existing 8" water line located along the south side of Mile 5 Rd. and extending an 8" line network throughout the subdivision, also allowing for future connectivity to the east and west. The developer is proposing to install 5 new hydrants - see utility map; 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 <u>not</u> within

the City of Mission's Sewer CCN. (NOTE: Mission sewer is 1.37 miles away).

Street & Storm Drainage: The plat dedicates an additional 20' on the perimeter of Mile 5 to equate to 60' ROW from centerline; thus in compliance to MPO requisites. The lots will be fronting 50' ROW 32' B/B paved streets built to the County's construction specifications. There are also two street stubs (along the northern area), one to the west and one to the east, which will maximize emergency traffic circulation. Temporary cul-se-sacs will be in place at the stubbed ends until such future development occurs. No residential access will be allowed from Lots 1, 34, 35, and 46 onto Mile 5 Rd. Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines-as shown on the HCDD #1 approved drainage report. Other comments include: comply with Street Naming alignment policy; minor findings. Staff recommends approval subject to meeting the Model Subdivision Rules, and complying with the street name alignment policy.

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

There being none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Alfonso Quintanilla from Quintanilla, Headley & Associates was present to address any questions that the Board might have.

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

ITEM # 5.0
ADJOURNMENT

There being no further items for discussion, Mrs. Caudle moved to adjourn the meeting. Mr. Vela seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:34 p.m.

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Ned Sheats, Chairman
Planning and Zoning Commission