

**PLANNING AND ZONING COMMISSION  
SEPTEMBER 14, 2016  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Mario Garza  
Carlos Lopez  
Julio Cerda

**P&Z ABSENT**

Marisela Marin  
Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Jaime Acevedo  
Virgil Gonzalez  
Jesus Gonzalez  
Marie Villarreal

**GUESTS PRESENT**

Ricardo Rodriguez  
Lupe A. Gonzalez  
Maya Zavala  
Leticia Ramirez  
Maricela Gonzalez  
Rob Gonzalez  
Ernesto Escamilla  
Hermelinda Escamilla  
Francisco Martinez  
Lupe Garcia  
Elias Luna  
Lalo Ramirez  
Elgin Xavier  
Marta Mendoza  
Dalio Ancer  
John Cisneros

**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 AUGUST 10, 2016**

Chairman Sheats asked if there were any corrections to the minutes for August 10, 2016. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:07 p.m.**

**Item #1.1**

**Conditional Use Permit:**

**Los Pescadores Drive-Thru  
601 E. 9th Street, Ste. A  
Lots 4-8, Block 165,  
Mission Original Townsite Subdivision  
C-3  
Eleazar Zavala**

Mr. Jaime Acevedo went over the write- up stating that the subject site is located on the NE area of Business 83 and St. Marie. The subject site currently has two restaurants, a retail outlet, and in between the suites there is a 25' x 24' open area that will be used for the drive-thru business. The applicant wishes to convert this dormant open area that was previously used for a car wash into a drive thru convenience store. Primary access into the drive-thru business will be from two driveways off of Business Highway 83 (9<sup>th</sup> Street). Patrons will drive forward to the drive-thru business and after they get their orders exit out along the north side of the building in a westerly direction back onto St. Marie Street.

- **Days / Hours of operation:** Monday – Sunday from 10a.m. to 11p.m.
- **Staff:** 1 or 2 employees per shift will man this operation
- **Parking:** Parking for this multi-unit complex includes 24 spaces that are held in common for two restaurants, and a retail outlet. Staff has not received any complaints regarding this CUP or any comments regarding parking since this business has been in operation.
- **Business License:** Must comply with the Building, Sign, Fire, Health & any other applicable codes in order to obtain a business license.
- **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:** There is a solid cedar fence along the alley that will serve as a solid buffer to the abutting residential lot. Staff recommends that a landscape hedge be placed along the south side of the cedar fence in order to help screen the drive-thru business from the residential area to the north. This additional landscaping would also help in bringing the commercial site overall into compliance with the landscaping code.

**REVIEW COMMENTS:** Notices were sent within a 200' radius of the site, as of the time of this writing 9/12/16, Staff has not received any other complaints regarding the drive-thru business.

**RECOMMENDATION:** 1 year approval subject to:

1. Wet Zone the property;
2. Install a landscape hedge along the south property line;
3. Must comply with Building, Sign, Fire, Health, and any other applicable codes in order to obtain a business license;
4. Must obtain Business License

Chairman Sheats asked if the applicant or representative were present.

Mrs. Maria Zavala who resides at 601 E. 9<sup>th</sup> Street, was present to address any questions from the board.

Chairman Sheats stated that if the applicant had any problems with staff's recommendations towards the landscaping and cedar fence.

Mrs. Maria Zavala stated that she is comfortable with the recommendations and that she would comply.

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

There was no response.

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

**Started: 5:07 p.m.**

**Ended: 5:10 p.m.**

**Item #1.2**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Los Pescadores Restaurant  
601 E. 9th Street, Ste. A  
Lots 4-8, Block 165,  
Mission Original Townsite Subdivision  
C-3  
Eleazar Zavala**

Mr. Jaime Acevedo went over the write up stating that the subject site is located on the NE area of Business 83 and St. Marie. This CUP was originally approved on 9-9-09 and most recently approved on 3-26-14 for a period of 2 years.

- **Hours of Operation:** Everyday – 11:00a.m. to 10:00p.m.
- **Staff:** 5 full time employees
- **Parking:** Parking for this multi-unit complex includes 24 spaces that are held in common for two restaurants, and a retail outlet. Staff has not received any complaints regarding this CUP or any comments regarding parking since this business has been in operation.
- Staff has requested a report from Mission PD in regards to any incidents involving the on-site consumption of alcohol. We will have the update by the date of the meeting.
- Must continue to comply with Fire and Health requirements.

**REVIEW COMMENTS:** This restaurant has been in operation since 2009 with no complaints filed with the Planning Department. If there are no incidents reported by Mission PD, Staff does not object to another approval term.

**RECOMMENDATION**

Staff recommends approval for 3 years subject to continued compliance to the Health and Fire codes, and wet zoning the property.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Maria Zavala who resides at 601 E. 9<sup>th</sup> Street, was present to address any questions from the board.

Chairman Sheats stated that if the applicant agreed with all staff's recommendations.

Mrs. Maria Zavala stated that she was ok with all staff's recommendations.

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

There was no response.

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

**Started: 5:10 p.m.**

**Ended: 5:21 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – The Loretto Bistro at Mission  
1233 E. Griffin Parkway  
Lot 1 & the S. 25' of Lot 2, Block 1,  
Bel-Aire Heights Subdivision  
C-2  
LAG Associates, LLC**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the NW corner of Orange Dr. and Griffin Parkway. A CUP for a restaurant in a property zoned C-2 was approved by the PNZ on December 17, 2014. The Loretto opened shortly after and has been in operation for over 1 year now and would like now to offer beer and wine on their menu.

- **Hours of Operation:** Tuesday – Saturday from 7a.m. to 9p.m., Sunday 9a.m. to 3p.m., Closed Mondays.
- **Staff:** 8
- **Parking:** The restaurant, which also includes a patio, requires 37 parking spaces for both patrons and staff. The applicant has 30 on-site parking spaces for patrons and the remaining 7 parking spaces are on the adjacent property and are used by staff.
- **Landscaping:** Landscaping meets code.

In viewing the location map, there are single family residences located within three-hundred feet (300') to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

*The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.*

*The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.*

Fifteen (15) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request.

**RECOMMENDATION:** Staff recommends approval of the CUP subject to:

1. Compliance with all Health and Fire Department requirements.
2. Compliance with Texas Alcoholics Beverage Commission (TABC) requirements.
3. Wet zone the property.
4. Recommend waiver of 300' separation requirement to City Council.
5. The acquisition of a Business License.
6. 1 year re-evaluation.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Laura Gonzalez who resides at 2111 Dorado Drive, was present to address any questions from the board.

Chairman Sheats mentioned that the applicant has been present with the board in the past few years and has bend over backwards to have the restaurant where you want it to be. The applicant has done good job talking with the neighbors and that there has been some parking issues in the past, the city has done more in order to help you out.

Chairman Sheats stated that the applicant now wants to have the consumption of alcohol which brings us back to the parking issues due to the increase in customers. You have capacity in your own property and some parking to your left where the employees park.

Mrs. Laura Gonzalez mentioned that the employees park on the other side of the restaurant which is owned by a resident and Mission Law Firm which has over 20 parking spaces where we can have full parking.

Chairman Sheats asked, "Do you have anything in writing at all?"

Mrs. Laura Gonzalez replied, "Yes, you all should have on file an email from Carlos Garcia the attorney allowing us to use all his parking spaces."

Chairman Sheats stated that he got a nod of approval from Mr. Danny Tijerina, the only thing I could see is that alcohol attracts more business and your hours of operation are reasonable.

Mrs. Laura Gonzalez mentioned that she wants her customers to be able to enjoy a glass of wine or beer with their meal.

Chairman Sheats stated that he understands but that it's their responsibility to protect those around the best that we can.

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

Mr. Francisco Martinez who resides on 2309 Orange was present to voice his opposition.

Mr. Francisco Martinez mentioned that he lives right next door to the property and that there is a wooden fence between his property and the applicants' property to alleviate the noise. There was an agreement made with the applicant that they would build a block fence in the future in order to keep the noise away. People are still coming into my drive way in order to make the turnaround; the applicant had agreed to eliminate 2 parking spaces in order for them to create their own turnaround so that people don't have to use my drive.

Chairman Sheats mentioned that the information Mr. Martinez is giving us is great and that it shows you all are working together.

Mr. Francisco Martinez stated that all these agreements were suggested the last time we were here at the meeting and nothing has been done.

Chairman Sheats stated that what you're saying is that they said they would do it but they still haven't done anything.

Mr. Francisco Martinez mentioned that it was suggested the last time we were here and nothing had been done but now that alcohol will be sold something has to be done. I don't expect the fence to go up by tomorrow but I do want the fence to go up within the near future so that everybody could be happy.

Chairman Sheats mentioned that he would like to ask the City to become involved to see what can be mediated about the situation.

Mr. Francisco Martinez stated that he does not want there to be a misunderstanding, I don't want to stop them from selling alcohol I just want to protect myself because I have

been living there for 37 years and want to be happy but I know they have a lot of money invested and a little more will not hurt them nor me.

Chairman Sheats stated that he understands Mr. Martinez position and he thinks he is being more than fair about the accommodations. Can the City become involved so that a solution can be done in a reasonable amount of time and we don't have a situation at the end of the year where nothing was done?

Mr. Daniel Tijerina replied, "Yes" that because it is a conditional use permit for the sale and onsite consumption of alcohol and based on Mr. Martinez concerns that he has already spoken to the Gonzalez family, I think we can add it as part of the conditions for approval for the CUP for the sale of alcohol and that the block fence be installed within 3 or 6 months or a certain time period. We can do all this in this process and be recommended to the council as well.

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

**Started: 5:21 p.m.**

**Ended: 5:26 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Jall's Sports Bar & Grill  
1810 W. Griffin Parkway, Suites B, C, & D  
Lots 7 & 8, Inspiration Point Ph. I Subdivision  
C-3  
Leticia Ramirez**

Mr. Jaime Acevedo went over the write up stating that the subject site is located 300' from the NW corner of Inspiration Rd. and Griffin Parkway. The site consists of three buildings that share the same parking area. The sports bar has been in operation for over 1 year now and a call to PD revealed that there were no incidents reported from this location.

- **Hours of operation:** Monday – Sunday from 11a.m. to 12a.m.
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 59 total seating spaces for the sports bar, which require 20 parking spaces (59 total seating spaces/3 = 19.6 parking spaces). It is noted that the parking area is held in common (98 existing parking spaces) and is shared with other suites.
- **Landscaping:** In regards to landscaping, there are existing green areas and landscape islands with trees within the parking lot along Griffin Parkway however we do recommend that they be watered and maintained.
- **Noise Code:** In speaking to the applicant, they only have a jukebox, no live bands or karaoke.

- **Sale of Alcohol** – The applicant does have a full bar available. Section 1.56(3)(a) states that bars must be at least 300' from the nearest residence. There is an existing residential subdivision located along the north side of the site.
- Must comply with Building, Signage, Fire & Health Codes and must obtain a Business License.

**REVIEW COMMENTS:** In viewing the menu, it is easy to see that the primary intent of this CUP is not mainly a restaurant. Since this request is primarily for a bar, Staff is recommending a TABC Conduct Surety Bond. The bond will help ensure that the business conducts itself in an orderly manner and complies with TABC requirements. We do note that the sports bar closes no later than 12a.m. throughout the week (even on weekends). These operating hours, to a certain extent, aid in allaying our concerns to the fact that it is a sports bar. Staff does not object to an initial approval for 1 additional year to see how this operation continues to operate.

**RECOMMENDATION:**

Staff recommends approval for 1 year subject to:

1. Waiver of the 300' separation requirement from the residential homes;
2. Must comply with all Fire, Health, and Building Code requirements;
3. Must comply with TABC requirements and provide a Conduct Surety Bond.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Leticia Ramirez who resides at 3421 N. Moorefield Road was present to address any questions from the Board.

Chairman Sheats stated that if the applicants business is being taken over or if this is there second year of operation.

Mr. Jaime Acevedo stated that this is there second year of operation and if the board is inclining to do a 3 year approval we can certainly do that.

Chairman Sheats mentioned that he doesn't see any problems to hold it to one year since there hasn't been any changes or problems.

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

There was no response.

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



**Started: 5:26 p.m.**

**Ended: 5:29 p.m.**

**Item #1.5**

**Conditional Use Permit:**

**To Install a 90' Communications Tower  
to provide Wi-Fi Services to Guests at  
Chimney Park Resort & R.V. Park  
4224 S. Conway Avenue  
Chimney Park Resort & R.V. Park (U/R)  
AO-I  
Tabco Services, LLC dba Coba Systems**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approx. ¼ mile south of Los Indios Rd. & Conway Ave. off of Chimney Rd. (Chimney Park Resort & R.V. Park. Access to the site is provided through Chimney Rd. Coba Systems is proposing to install a 90' tall self-supported communications tower within Chimney Park in order to provide wi-fi service to the entire park. This tower is a permanent replacement to a previous installed tower which was destroyed by the May 31, 2016 storm that heavily damaged the Madero/Chimney Park area and will be completely within the R.V. park property.

1.36(3)(d) of the City's Zoning Code requires 'broadcast towers for radio, television, or microwave' to obtain a conditional use permit. This tower will be installed by Coba systems which will then broadcast WiFi service from an existing 100' tower located within Martin Valley Ranch.

**REVIEW COMMENTS:** Since the tower 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 new privately owned towers for Wi-Fi service to Chimney Park.

**RECOMMENDATION:**

Staff recommended approval.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

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

**Started: 5:29 p.m.**

**Ended: 5:33 p.m.**

**Item #2.0**

**Homestead Exemption Variance:      A tract of land containing 0.62 acres out of the north 1 acre of the 7.5 acres lying South & West of Canal out of Lot 29-9, West Addition to Sharyland Subdivision  
R-1  
Ernesto Escamilla**

Mr. Jaime Acevedo went over the write-up stating that this tract is located along the east side of Mayberry Road—see vicinity map. The triangular lot measures 291.5' along Mayberry, 185.7' along the south side, and 345.6 along the back or canal side. The lot exceeds the square footage size requirements for an R-1 lot. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

**WATER** – The applicant is proposing to connect to an existing 8” water line located along the west side of Mayberry Road to provide water service to the lot.

**SEWER** – The applicant is proposing to connect to existing 12” sanitary sewer line along the east side of Mayberry Road to provide sewer service to the lot. The capital sewer recovery fee is waived via the HEV.

**STREETS & STORM DRAINAGE** – The subject site has frontage to Mayberry Road, which has an 80' ROW with a future 57' B/B paved street. An additional 20' of ROW will need to be dedicated. Drainage will be on site.

**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 dedication of 20' of additional ROW along Mayberry Road and compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairman Sheats asked if the applicant or representative were present.

Mr. Ernesto Escamilla who resides at 1702 Ebony Circle was present to address any questions from the board.

Chairman Sheats mentioned that the only thing that is important to us is that you do understand that as a homestead exemption it has to remain in your family and can't be sold, if it is sold all your exemption benefits will come back to the City.

Mr. Ernesto Escamilla stated that the home will stay in the family and will have to be passed down.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the homestead exemption variance as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously

**Started: 5:33 p.m.**

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

**Item #3.0**

**Single Lot Variance:**

**A 0.90 acre tract of land out of Lot 165,  
Sharyland Orchards Subdivision  
R-1A  
Erica Ivette Garza**

Mr. Jaime Acevedo stated that this item will be no action because we had presented this item as a single lot variance but it is our understanding that it will be the applicants' primary residence as well, so we will be bringing it back as a homestead exemption variance on our special meeting on Monday September 19, 2016.

Chairman Sheats stated that instead of a single lot variance it will be a homestead exemption variance and there will be no action.

There being no further discussion, Chairman Sheats stated that there will be no action on the item.

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

**Ended: 5:44 p.m.**

**Item #4.0**

**Preliminary & Final Plat Approval:**

**Sommerset Court Estates Subdivision  
(Private Subdivision)  
A 9.21 acre tract of land out of La Grange  
Tract of Lot 282, John H. Shary Subdivision  
Developer: San Mateo Investments, LLC  
Engineer: Quintanilla, Headley & Associates**

Jaime Acevedo went over the write-up stating that the proposed subdivision is located on the west side of Glasscock Rd. approximately 300' south of 2 Mile 2. The applicant is proposing 22 residential lots. The applicant is also requesting three variances as follows:

**VARIANCE 1: Minimum Lot Depth.** The subdivision is zoned R1-A which requires to have a lot depth of 120'. The applicant is requesting a lot depth of 115' to be allowed. Since all but one of the lots will meet the lot area requirements of Large Lot Single Family (R1-A) lots, staff does not object and recommends in favor of this variance.

**VARIANCE 2: Minimum Lot Area.** The subdivision is zoned R1-A which requires lot to have a minimum area of 8,500 square feet. Lot 15 is being proposed with an area of 8,447.18 square feet. Since all but one of the lots will meet the area requirements of Large Lot Single Family (R1-A) lots, staff does not object and recommends in favor of this variance.

**VARIANCE 3: Private Streets/Subdivision.** The subdivision will be gated and streets will be private, staff does not object and recommends in favor of this variance.

**WATER** - The developer is proposing water service with a new internal 8" waterline network that will connect to an existing 12" water line located along the west side of Glasscock Rd. and will provide a secondary loop to the system by connecting to an existing 8" line located along the western perimeter of the subdivision to Summerset Subdivision. Fire hydrants will be installed pursuant to the direction of the Fire Marshal's office.

**SEWER** - An 8" sewer line network will be installed within the subdivision which will then connect into an existing 8" sewer line located along the west side of Glasscock Rd. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$4,400 (\$200.00 X 22 Lots).

**STREETS & STORM DRAINAGE** - The subdivision abuts Glasscock road, which is a future 80' ROW, 57' B/B paved street as required by the MPO and the City's Standards Manual. The developer must provide the escrow for the widening of Glasscock Rd., which equates to \$22,360.00 (400' X \$55.90/l.f.). Storm drainage will flow southward into a set of inlets diverting flow into a 24" storm network between Lots 14 and 15 and then west through public alley ROW behind Sommerset Subdivision storm drainage will then deposit into an open ditch west of Sommerset which outfalls into the Mission Lateral.

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

- Must comply with Model Subdivision Rules;
- Approval of Variances 1-3
- Park Fees = \$300.00/Lot = \$6,600.00
- Sewer Capital Recover Fees = \$200.00/Lot = \$4,400.00
- Street Widening Escrow = \$55.90/linear foot = \$22,360.000
- Must dedicate water rights;
- Must provide a street lighting plan for review and install/escrow street lighting if needed.

Chairman Sheats asked if the applicant or representative were present.

Mr. Daniel Tijerina mentioned that before Mr. Lalo Ramirez comes up I would like to note for the record that the plat had come before the Planning and Zoning Commission previously, received preliminary & final plat approval, and had gone to Council for preliminary approval. All the work has been done; they have extended the storm line going west towards the Mission inlet and did a final inspection early last week. It was going to the City Council meeting however now the developer wanted to have private street so it was legal's opinion to bring it back before the planning commission and take it to the council as both preliminary and final plat approvals.

Mr. Lalo Ramirez who resides at 124 E. Stubbs was present to address any questions from the board.

Chairman Sheats mentioned that it is stated in the plat that there will be a home owners association.

Mr. Lalo Ramirez stated that there will be a homeowners association for the private subdivision.

Chairman Sheats stated that when there is gated community such as this, you have monument entrances, gates that are electric and things outside the streets that will need maintaining. What happens when the homeowners association falls apart?

Mr. Lalo Ramirez replied, "Well it's not supposed to fall apart."

Chairman Sheats stated I am apart of one and believe me they do fall apart.

Mr. Lalo Ramirez stated that there are some home owners associations that don't fall apart and that this is going to be one of them.

Chairman Sheats asked, "Does the City have an ordinance that states who is responsible for all the monuments falling apart in Mission?"

Mr. Daniel Tijerina stated that Chapter 98 which is our Subdivision Code of Ordinances states that private street policy requires for engineers to have all the different plat notes that are specifically outlined in our ordinance. All private streets shall be taken care of by the HOA there are 5 different plat notes and the ordinance also calls for the streets to be called a common area, the code also requires that underneath the subdivision name be labeled as a private subdivision. All of this is in our ordinance that's approved by the council; the developer has to execute a document where a lien is going to be placed on the properties to hold them accountable and are aware of the fact through the recorded plat notes and the street be labeled private.

Chairman Sheats stated that in the absence of the home owners association who pays for maintenance.

Mr. Daniel Tijerina stated I can give you a what if scenario to answer your question. If the homeowners association was to dissolve and we had some people come to the council and ask some assistance with curb and gutter issues potholes and sidewalks, first and foremost we would utilize our international property maintenance code, send letters out to the property owners to try and get them to fix any issues that are out there. If that does not work we could go in there fix the issues and then impose lien for the cost the city incurred.

Chairman Sheats asked, "Why aren't they doing this for all the other subdivisions that are following apart in Mission now a day?"

Mr. Daniel Tijerina stated that the city just adopted the international maintenance code a few years ago so we are now doing that.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the subdivision plat as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously

**Started: 5:44 p.m.**

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

**Item #5.0**

**Tabled Single Lot Variance:**

**A tract of land out of the NW 1.0 acres of the West 5.18 acres of the North 11.03 acres of Lot 28-9, West Addition to Sharyland Subdivision; A tract of land containing .90 of an acre of the northwest corner of Lot 28-9, West Addition to Sharyland Subdivision; and A tract of land containing 0.52 acres of the West 5.18 acres of the North 11.03 acres of Lot 28-9, West Addition to Sharyland Subdivision  
C-2  
Elgin Xavier**

Chairman Sheats entertained a motion to remove the item from the table. Mr. Julio Cerda moved to remove the item from the table. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Jaime Acevedo went over the write- up stating that the property is located on the SE corner of Mile 2 and Mayberry Rd. The irregular tracts equate to a total of 51,354 sq. ft. The property used to have a single family home that was recently demolished. The applicant wishes to construct a new commercial development. Since the property was divided after August, 1974, Mr. Xavier must comply with the Single Lot Variance process.

**WATER:** There is an existing 12” water line along the south side of Mile 2 and a 8” line along the west side of Mayberry Rd. In speaking to the Fire Marshal, there is an existing fire hydrant at the SW corner of Mayberry and 2 Mile Road that will service this site.

**SEWER:** The site has access to an existing 12” sewer line located along Mayberry Rd. The Capital Sewer Recovery will be required in the amount of \$750.00 per acre.

**STREETS & DRAINAGE:** This subdivision abuts both Mile 2 and Bryan Rd., Mile 2 is a future 100’ ROW and Mayberry is a future 80’ ROW. The applicant has provided staff with documentation showing that the City has already purchased the additional ROW along Mayberry and 2 Mile Road. No additional ROW will be required via this single lot variance. Storm drainage will be accomplished through on-site detention.

**OTHER COMMENTS:**

- Must provide proof of exclusion from the Water District. (Letter from UID)
- There are existing street lights and sidewalks along 2 Mile Rd. and Mayberry Rd.; no new street lighting or sidewalks are required.

**RECOMMENDATION**

Approval subject to:

1. Payment of Sewer Capital Recovery Fees;
2. Provide proof of exclusion from the water district (water rights conversion).

Chairman Sheats stated that this item is being seen again due to some zoning issues.

Mr. Jaime Acevedo mentioned that there were some zoning issues and questions about the ROW but those were answered in the interim.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the single lot variance as per staff’s recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats asked, “Why is the commission having a special meeting?”

Mr. Jaime Acevedo stated that there was an error with the publication which didn’t allow us to see some items due to that error we had to call a special meeting for those items.

Mr. Daniel Tijerina mentioned that Council will also be having a meeting at the community room at the same time if any board members would like to mingle with them.

**ITEM #6.0  
OTHER BUSINESS**

**ITEM #7.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:50 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission