

**PLANNING AND ZONING COMMISSION
SEPTEMBER 27, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Jaime Gutierrez
Carlos Lopez
Julio Cerda

P&Z ABSENT

Marisela Marin
Diana Izaguirre

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Joel Chapa

GUESTS PRESENT

Jorge L & Elida Rodriguez
Noralinda G. Garza
Jaime Valdez
Laura Brussolo
Margie Jennifer Briseño
Chan Tu
Leonel Bazan
Armando Ruiz
Romulo Benavides III

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 SEPTEMBER 13, 2017

Chairman Sheats asked if there were any corrections to the minutes for September 13, 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: 5:07 p.m.

Item #1.1

Rezoning:

**0.234 acres out of Lot 1,
Kirk Subdivision
R-1 to C-3
Jorge L. & Elida Rodriguez
c/o Javier Hinojosa Engineering**

Mr. Jaime Acevedo went over the write-up stating that the property is located approximately 150' south of E. 28th Street along the west side of Shary Road.

SURROUNDING ZONES:

N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: C-3 – General Commercial

EXISTING LAND USES: N: Residential
E: Residential
W: Residential
S: Vacant Commercial
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. Although the FLUM shows a Low Density Residential (LD) designation, staff notes the FLUM can be amended to reflect the C-3 use. C-3 is an expected zone with frontage to Shary Road and will be an extension of the existing commercial zoning to the south. With proper buffering, C-3 should not be detrimental to the residential area. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed rezoning.

RECOMMENDATION: Approval.

Chairman Sheats stated that the only concern he had was the proximity to lots 2 & 3, and would they have a buffer.

Mr. Acevedo stated that buffering would be a requirement to divide the residential from commercial although there was nothing specified on the type of material that could be used. Mr. Acevedo suggested that maybe it should be amended to be a masonry buffer.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mr. Jaime Gutierrez moved to approve the rezoning as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:10 p.m.

Item #1.2

**Rezoning: 0.721 acres out of Lot 265,
John H. Shary Subdivision
AO-I to C-3
Noralinda G. Garza
c/o Javier Hinojosa**

Mr. Jaime Acevedo went over the write-up stating that the property is located approximately ¼ mile north of Griffin Parkway (F.M. 495) along the east side of Shary Road.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: C-3 – General Commercial
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: Residential
W: Vacant Commercial
S: Residential
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. Although the FLUM shows a Low Density Residential (LD) designation, staff notes the FLUM can be amended to reflect the C-3 use. C-3 is an expected zone with frontage to Shary Road and will be an extension of the existing commercial zoning to the west. With proper buffering, C-3 should not be detrimental to the residential area. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed rezoning.

RECOMMENDATION: Approval.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Mr. Acevedo stated that he had received a call from a resident that lives in the area just wanting more information on what was being proposed but was not in opposition to the request.

There being no discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:10 p.m.

Ended: 5:11 p.m.

Item #1.3

Rezoning:

**1.242 acres out of Lot 265,
John H. Shary Subdivision
AO-I to R-1
Noralinda G. Garza
c/o Javier Hinojosa**

Mr. Jaime Acevedo went over the write-up stating that the property is located approximately ¼ mile north of Griffin Parkway (F.M. 495) along the east side of Shary Road.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: C-3 – General Commercial
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: Residential
W: Vacant Commercial
S: Residential
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Low Density (LD) land use, too; thus, R-1 is directly consistent the LD designation. Overall, the R-1 proposal acclimates to the single family zonings already existing in the area.

RECOMMENDATION: Approval.

Chairman Sheats asked if there were any comments in favor or against the request.

Mr. Romulo Benavides III who resides at 2608 N. Shary Road asked if this rezoning would affect his taxes.

Mr. Cerda stated that as far as he knows it should not but he would actually need to check with the Appraisal District because he didn't know how they calculated their fees.

There being no discussion, Chairman Sheats entertained a motion. Mr. Jaime Gutierrez moved to approve the rezoning as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:25 p.m.

Item #1.4

**Conditional Use Permit: Non-Residential Parking
Lots 2 & 3, Block 183,
Mission Original Townsite Subdivision
R-1
Jaime Valdez**

Mr. Jaime Acevedo went over the write-up stating that the request before the Board is to consider permitting the use of an R-1 lot to be used as parking in conjunction with a commercial auto body repair shop owned by the applicant. The lot is located near the Canal Avenue/W. 12th Street intersection along the east side of Canal Avenue. The commercial development is doing well and in need of additional parking in order to store vehicles that are either waiting to be repaired or are ready to be picked up.

The surrounding land uses including single family residential to the west, south, and east. Area zonings include R-1 to all directions. It is noted that the applicant also owns a vacant R-1 lot to the north which he has no plans for at this time. Access to the site will be from Canal Avenue and will be limited to the hours of 8:00 am to 5:00 pm, the hours of the body shop. If approved the applicant would comply with city codes which requires that all off-street parking be on an all-weather surface.

REVIEW COMMENTS: It is noted that a buffered parking lot is not a noisy element to area homes, and that the required solid buffer will deflect perceived invasion to their privacy. Since residential the residential landscaping requirements will still apply to this CUP request.

RECOMMENDATION: Approval subject to: 1) the installation of a solid buffer to the north and south, 2) compliance with landscaping, 3) the installation of an all-weather surface parking area, and 4) 1 year re-evaluation to assess the parking lot.

Mr. Acevedo stated that he received a letter and a visit from a resident who owns a lot next to the proposed site and was not so much against this request but had some questions which were all answered. Mr. Acevedo added that his only request was that this conditional use permit be considered for a short period of time and that the hours of operation coincide with his business.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Chairman Sheats stated that his concern was that this request might set precedence for others and if the Board is considering approving to impose reasonable restrictions because he would not like for this area to become a junk yard or have cars left in the parking lot for a long period of time.

Mr. Gutierrez asked if the parking lot would be paved.

Mr. Acevedo replied, "Yes."

Dr. Guerra mentioned that this area didn't seem to be fully developed.

Mr. Cerda stated that Mr. Valdez had his business in this area and didn't believe he would want this area to look bad.

Mr. Valdez stated that he owned 11 lots in that area and one of those lots included his business which has been in operation for about 30 years. He added that he wanted this parking lot for his employees and customers so that they wouldn't have to be parked in the street.

Chairman Sheats asked how long were vehicles usually used in his business.

Mr. Valdez stated that they usually go in and out and they don't stay for a long time.

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. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:35 p.m.

Item #1.5

Conditional Use Permit: **Home Occupation – Beauty & Body Spa**
2707 Sonora Avenue
Lot 49, Redstone Estates Subdivision
R-1
Laura Brussolo

Mr. Jaime Acevedo went over the write-up stating that the property is located near the Sonora Avenue and Grovewood Avenue intersection along the north side of Sonora Avenue. The applicant wishes to obtain a Home Occupation CUP for a Beauty & Body Spa Salon from home. A section of the home will be used for the proposed Beauty & Body Spa. The home has a two car driveway off of Sonora Avenue leading to a two car garage for a total of 4 parking spaces. Since all of the business will be by appointment only, no walk-ins, the garage and additional parking on driveway is sufficient for the proposed operation.

- **Hours of operation:** Monday – Sunday from 9:00 a.m. to 9:00 p.m. by appointment only.
- **Staff:** Herself.
- Business license required prior to opening home occupation.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regs.) inclusive of sign requirements.

REVIEW COMMENTS: While the PNZ has issued CUP's in the past for Beauty Salons for hair and nails, a Beauty & Body Spa has never been considered in the past. In preparing the agenda we learned that what the applicant is proposing is heavily regulated by the Texas Department of Licensing and Regulation. Since the applicant was out of town at the time of this writing, Staff could not verify if the applicant has all the proper licenses for her proposed home occupation.

RECOMMENDATION: Staff is recommending that the item be tabled so that Staff can verify that the applicant has the proper licenses in place for the proposed operation. If the applicant provides proof at the time of meeting or if the PNZ is inclined to approve the request, Staff recommends that approval be subject to:

1. A 1 year re-evaluation in order to monitor proposed operation;
2. Must obtain a business license prior to opening the beauty and spa salon;
3. Must have and maintain Texas Department of Licensing & Regulation licenses;
4. Limit the hours of operation from 9:00 a.m. to 6:00 p.m.; and
5. Must continue to comply with the Home Occupation portion of the Zoning Code.

Chairman Sheats asked if there were any comments in favor or against the request.

Mrs. Laura Brussolo stated that she was a state certified esthetician who was currently employed in a Spa in Edinburg but had clients from Mission & McAllen who have asked for her services and she would like to offer her services from her home. She mentioned that she would do facials and body contour.

Chairman Sheats asked if she had all the certifications for the proposed services.

Mr. Brussolo replied, "Yes".

Mr. Acevedo stated that staff learned that one of the services she is proposing is not allowed from a residential home according to the state rules. He added that this was the reason staff was recommending to table the item so that she can provide copies of the licenses she had and services she could do with those licenses.

Mrs. Brussolo stated that she had the licenses and that was the reason she was asking for permission to do be able to offer this services from home.

Dr. Guerra stated that just because she had the license didn't mean she could offer those services from home.

Mr. Armando Ruiz stated that he lived behind the proposed site and his concerns were the lack of parking and that this is a residential area and would like to keep it like that.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to 'table' the conditional use permit as recommended by staff. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m.

Ended: 5:45 p.m.

Item #1.6

Conditional Use Permit:

**Two Drive-Thru Service Windows
for Sno-Cone Stand**

1610 W. Griffin Parkway

Lot 19, Block 1, Oakwood Estates Subdivision

C-3
Margie Jennifer Briseño

Mr. Jaime Acevedo went over the write-up stating that the property is located at the NW corner of W. Griffin Parkway and River Oak Avenue along the north side of Griffin Parkway. The applicant is requesting a CUP for a sno-cone stand with two drive-thru service windows. However, the operation did not open until 07/25/14 and the applicant just now came in to renew his CUP. Access to the site is provided off of Griffin Parkway via an existing 43' driveway that will lead traffic in and around the building before exiting back out to Griffin Parkway.

- **Hours of Operation:** Every day from 12:00 a.m. to 11:00 p.m.
- **Staff:** 4 employees
- **Parking:** The building measures approximately 396 sq. ft. The number of parking spaces required for this size building is 4. The applicant is providing 4 spaces along the front of the building plus there will be also stacking for approximately 4 cars when placing orders.
- **Landscaping and Buffering:** The applicant is proposing landscaping areas around the perimeter of the lot. There will also be a 6' cedar fence to provide a buffer from the commercial and residential uses.

REVIEW COMMENTS: We have seen several site-built sno-cone businesses similar to the one proposed that have worked in the past without any issues or concerns. The facility will be built on-site and have a stucco finish and will be in compliance with Ord. 3602, which requires all buildings to have such facades. Since there is plenty of stacking for customers and is complying with all other codes, Staff does not object to this CUP for two drive-thru service windows.

RECOMMENDATION: Staff recommends approval of this CUP for 1 year to assess this new operation.

Chairman Sheats stated that his only concern was the closing time since it was backing up to residential homes.

Dr. Guerra asked what the closing time was for the CUP that was recently approved on Mayberry & Mile 2 Road because it is the same scenario it next to residential homes.

Mr. Acevedo stated that he was sure he would need to get back to them with the closing time.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Chairman Sheats asked if she would be willing to close by 10 p.m.

Mrs. Margie J. Briseño stated that she would be willing to amend the hours of operation in order to comply with the noise ordinance but there was another business similar to hers that closed at 1 a.m.

Mr. Acevedo stated that in his opinion the noise ordinance should be amended to address the different types of businesses.

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

Started: 5:45 p.m.

Ended: 5:49 p.m.

Item #1.7

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – Dai Tung Restaurant #2
2400 Brock St., Ste. 1
Lot 23, Shary Business Center Subdivision
C-3
Li Min Do**

Mr. Jaime Acevedo went over the write-up stating that the newly renovated Dai Tung restaurant site is located within a commercial plaza approximately 420' south of Griffin Parkway along the east side of Shary Road. Dai Tung had been operating on Lots 21 & 22 with a CUP for the sale of Alcohol since 2010. Now Dai Tung has moved next door to Lot 23 and desires the CUP for the sale and onsite consumption at the new location to be allowed at that location.

- Hours of Operation: Everyday from 11:00 a.m. to 9:30 p.m. .
- Staff: 16 employees
- Parking: There are 106 total seating spaces, which require 35 parking spaces (106 seats/1 space for every 3 seats = 35.3 parking spaces). It is noted that the parking area is held in common (153 existing parking spaces) and is shared with other businesses.

Since there are no churches or schools within 300' of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

RECOMMENDATION:

Staff recommends approval subject to:

1. A period of 2 years, at which time the applicant will have to renew their TABC license and Conditional Use Permit.
2. Update their Business License to include this new property.
3. Wet zone the site.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mr. Jaime Gutierrez 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: 5:49 p.m.

Ended: 5:53 p.m.

Item #2.0

Preliminary & Final Plat Approval: Taurus Estates No. 22 Subdivision

A 12.559 acre tract of land being on the North side of an apparent existing 150' UID Canal ROW and all that northeastern portion of Lot 36-2, West Addition to Sharyland Subdivision Suburban ETJ

Developer: Baz-Bar LLC, c/o Leonel Bazan

Engineer: HLG Plan Review Services

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located at the SW corner of Los Ebanos Road and Mile 4 North Road. The developer is proposing 8 lots either commercial or single family having access to Mile 4 North Road and 9 lots having access to the proposed extension of Los Ebanos Road.

WATER - The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 12" line located along Mile 4 North Road. A proposed 8" line will also be extended along the west side of Los Ebanos and into the subdivision to provide water service to each lot. The City's Rural ETJ regulations do not require fire hydrants.

SEWER - Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (NOTE: Mission sewer is .80 miles away).

STREETS & STORM DRAINAGE - The subdivision has frontage to Mile 4 North Road and Los Ebanos Road will be extended south from Mile 4 North Road. An additional 20' of ROW will be dedicated along Los Ebanos and 30' along Mile 4 North Road to comply with any future widening of such roads. The internal lots will be fronting a 50' ROW 32' B/B paved street and the extension of Los Ebanos Road will be built as to County's direction and construction specifications. Drainage for the subdivision is proposed through the use of 24" H.D.P.E. lines located within the proposed and existing streets that will flow into the United Drainage Ditch and Los Ebanos South Ditch.

RECOMMENDATION: Staff recommends approval subject to meeting the Model Subdivision Rules, and meeting any comments from the County Planning Department.

Chairman Sheats asked if there were any comments from the Board.

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mr. Jaime Gutierrez moved to approve the subdivision plat 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. Carlos Lopez moved to adjourn the meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:57 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission