

**PLANNING AND ZONING COMMISSION  
JANUARY 10, 2018  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Carlos Lopez  
Julio Cerda  
Jaime Gutierrez  
Marisela Marin  
Diana Izaguirre

**P&Z ABSENT**

**STAFF PRESENT**

Jaime Acevedo  
Virgil Gonzalez  
Susana De Luna  
Kristin J. Warshak  
Joel Chapa  
Abiel Flores  
J.P.Terrazas  
Roberto Salinas

**GUESTS PRESENT**

Dennis & Lois Jorgenson  
Christian Roldan – Shinn  
Jim Krohn  
Gary & Renee Bethke  
Damian Fidel Soliz  
Pat Hood  
Jeni Young  
Victor Treviño  
Thomas Morgan  
Jose Carlos Garza  
Julia Stanton-Peck  
Reynaldo Gonzalez

Darlene Kowalke  
Dianna Williams  
Don Neva  
Antonio & Petra Salazar  
Marta G. Flores  
Juan J. De La Rosa  
Myron & Sandra Sponde  
George Shiver  
Carl Walker  
Norma Lee Garza  
Larry Lemmert

Olaguer & Loris Bauza  
Jean Ruppel  
Joe Ertman  
Sonia Rios  
Wade L. Wies (sic)  
Rafael Garcia, Jr.  
Thomas Mervyn  
Crystal Garcia  
Harjap Nanva  
Curtis Whatley  
Robert Ho-Shing

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:03 p.m.

**CITIZENS PARTICIPATION**

Chairman Sheats asked if there was any citizen's participation for any item on the Agenda.

There was none.

**APPROVAL OF MINUTES FOR DECEMBER 13, 2017**

Chairman Sheats asked if there were any corrections to the minutes for December 13, 2017. Ms. Diana Izaguirre moved to approve the minutes as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:06 p.m.**

**Ended: 5:09 p.m.**

**Item #1.1**

**Election of Chairman and Vice-Chairman.**

Mr. Jaime Acevedo stated that it was common procedure to elect a Chairman and a Vice-Chairman every year.

Chairman Ned Sheats asked if there were any nominations.

Ms. Marisela Marin stated she would like to nominate Mr. Ned Sheats for Chairman. Carlos Lopez seconded the motion. Chairman Sheats stated he would like to nominate Dr. John Guerra as Vice-Chairman. Julio Cerda seconded the nomination.

**Started: 5:06 p.m.**

**Ended: 5:09 p.m.**

**Item #1.2**

**Rezoning: 2.98 acres (3 acres-Deed call) of land out of Lot 16-6  
West Addition to Sharyland Subdivision  
C-3 to I-1  
South Texas Infrastructure Group, c/o Victor Trevino**

Mr. Jaime Acevedo went over the write-up stating the subject site is located 1200' west of Conway Boulevard along the south side of U.S. Expressway 83 frontage. The irregular lot has frontage both U.S. Expressway 83 frontage and Abelino Farias Street.

**SURROUNDING ZONES:** N: C-3 – General Commercial  
E: A-OI – Agricultural Open Interim  
W: A-OI & C-4 – Agricultural Open Interim & Heavy Commercial  
S: AO-P – Agricultural Open Permanent

**EXISTING LAND USES:** N: Commercial (Storage Units)  
E: Vacant  
W: Commercial (Storage Units)  
S: Commercial & Residential

Site: Vacant

**FLUM:** General Commercial (GC)

**REVIEW COMMENTS:** The Future Land Use Map reflects a General Commercial (GC). Although the FLUM shows a General Commercial (GC) designation. The applicant plans on using the subject site as a future cold storage facility which is permissible in a C-4 Heavy Commercial designation and perhaps a better neighbor for this 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:** Denial of I-1 and approval of C-4.

Mr. Acevedo stated for the future purpose of the property, and in staying consistent with the surrounding areas, a recommendation was being made to the commission for a C-4 zoning rather than I-1. Applicant has agreed to the C-4 zoning.

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

There were no comments.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Marisela Morin moved to approve the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats stated that Item #1.7 will be taken ahead of Item #1.2.

**Started: 5:41 p.m.**

**Ended: 5:51 p.m.**

**Item #1.3**

**Rezoning:**

**Being a 14.33 acre tract of land, more or less,  
lying North of Expressway 83 comprised of 1.90  
acres of Lot 1, 3.12 acres of Lot 2, and 9.33 acres  
of Lot 3, The Goodwin Tract Subdivision #3  
AO-I to C-3  
South Texas Infrastructure Group, c/o Victor Trevino**

Mr. Acevedo went over the write-up stating the subject site is located at the NW corner of Expressway 83 and Inspiration Road. The irregular site measures just over 14 acres.

**SURROUNDING ZONES:** N: R-1 – Single Family Residential  
E: Mixed – C-3, AO-1, R-3, and R-4  
W: Mixed – AO-1, C-3, and R-1  
S: C-3 – General Commercial

**EXISTING LAND USES:** N: Residential  
E: Single & Multi Family Residential  
W: Residential & Commercial  
S: Commercial  
Site: Vacant

**FLUM:** General Commercial (GC) & Low Density Residential

**REVIEW COMMENTS:** Staff does not object to the proposed re-zone to C-3 due to the following:

- The proposed C-3 request is directly consistent with the FLUM;
- The C-3 request is consistent to the surrounding land uses and zones;
- The property has frontage along Expressway 83 as its primary access making it very appealing for commercial use.

**RECOMMENDATION:** Approval.

Victor Trevino was available to answer any questions the board might have.

Chairman Sheats asked if there were any comments in favor or in opposition of this request.

Sonia Rios and Rafael Garcia, Jr., appeared on behalf of their mother who lives directly north of the proposed rezoning. Their concern was not the rezoning request; but what type of buffer would go around the property for security and trash control.

There being no further discussion, Chairman Sheats entertained a motion. Marisela Marin moved to approve the rezoning as presented. Jamie Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:52 p.m.**

**Ended: 6:20 p.m.**

**Item #1.4**

**Rezoning:**

**A 0.65 acre tract of land out of Meadow Creek Country Club Phase II-A Subdivision  
PUD (AO-P) to PUD (C-2)  
Olague Bauza**

Mr. Acevedo went over the write-up stating the subject site is located at the SE corner of 1 Mile South Road and Inspiration Road. The irregular corner lot has a total square footage of 28,327 sq. ft.

**SURROUNDING ZONES:** N: R-3 – Multi Family Residential  
 E: PUD (AO-P) – Planned Unit Development (Agricultural Open)  
 W: PUD – Planned Unit Development  
 S: PUD (R-5) – Planned Unit Development (High Density Manufactured Residential)

**EXISTING LAND USES:** N: Multi-Family Residential  
 E: Golf Course  
 W: Vacant PUD  
 S: Residential  
 Site: Vacant

**FLUM:** Planned Unit Development (PUD)

**REVIEW COMMENTS:** The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing the corner lots location at One Mile South and Inspiration, PUD (C-2) appears to be consistent and perhaps a better land use than the current PUD (AO-P) zoning.

**RECOMMENDATION:** Approval.

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

Loris Bauza was present to answer any questions the board might have.

Chairman Sheats asked if the property owners for Lots 1, 2, and 3 were aware of, and in agreement to the 20' separation.

Mrs. Bauza stated, "yes."

Thomas Morgan and Jeni Young appeared before the board stating there was never an agreement to the proposed 20' setback. There was additional concern about the area not being suitable for commercial properties, and an escalation of noise and increased traffic.

Dennis Jorgenson, Carl Walker, and George Shiver appeared in opposition stating the properties they purchased were with the expectation of it being a golf course and remaining a golf course.

There being no further discussion, Chairman Sheats entertained a motion. Marisela Marin moved to approve the rezoning as presented. Julio Gutierrez seconded the motion. Upon a vote, the motion passed 4-1 with Vice-Chairman John Guerra dissenting.

**Started: 6:20 p.m.**

**Ended: 6:33 p.m.**

**Item #1.5**

**Rezoning:**

**0.407 acres out of Lot 265,  
John H. Shary Subdivision  
R-1 to C-3  
Noralinda G. Garza**

Mr. Acevedo went over the write-up stating 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:** On September 27, 2017 a portion of this acreage was rezoned to C-3. The intent was to build new commercial and keep the residential structure as residential. The request now is to include the residential structure portion of the acreage for commercial use for a law office and or a real estate office. 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 opposition to the request.

Dr. Harjap Nanva presented in opposition to the rezoning request stating he and another neighbor are the current owners of a private road on their property which they maintain. The applicant has a ROW to their existing private road which he does not any commercial activity on his private road. Dr. Nanva stated the lighting and the commercial traffic will also spoil the ecology effect on the properties in question and surrounding properties.

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

**Started: 6:33 p.m.**

**Ended: 6:43 p.m.**

**Item #1.6**

**Rezoning:**

**Lot 1, Block 4, Bryan Park Addition  
R-2 to R-3  
Raul Leal**

Mr. Acevedo went over the write-up stating the subject site is 1/3 mile north Business Highway 83 along the east side of Bryan Road.

**SURROUNDING ZONES:** N: C-3 – General Commercial  
E: R-1A – Large Lot Single Family  
W: P – Public and C-1 – Office Building  
S: R-1 – Single Family Residential

**EXISTING LAND USES:** N: Vacant  
E: Residential  
W: Multi-Family and Public  
S: Vacant  
Site: Vacant

**FLUM:** Lower Density Residential (LDA)

**REVIEW COMMENTS:** Although there are some long standing multi-family lots across Bryan to west, the site is abuts to Large Lot Single Family Residential (R1-A) lots immediately east. The Future Land Use Map also reflects a Lower Density (LDA) Residential designation reflecting that the existing R-2 zoning would remain the highest compatible use for the neighborhood. Rezoning the site to a higher density R-3 would appear to have a detrimental devaluation to the surrounding Large Lot Single Family neighborhood.

**RECOMMENDATION:** Denial.

Mr. Jose Carlos Gonzalez appeared before the board on behalf of the applicant.

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

Juan de la Rosa, Norma Lee Garza, and Curtis Whatley appeared in opposition to the rezoning request citing it is not suitable for multi-family, privacy issues and traffic congestion, as well as flooding problems on Bryce Drive and Bryan Road.

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

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

**Ended: 5:38 p.m.**

**Item #1.7**

**Conditional Use Permit:**

**Drive-Thru Store  
4109 Mile 1 South Road  
Lot 1, Valle Hermoso Estates Subdivision  
C-2**

## Reynaldo Gonzalez

Mr. Acevedo went over the write-up stating the subject site is located at the SE corner of Bentsen Palm Drive and 1 Mile South. The applicant is requesting a CUP for a proposed drive-thru store. Access to the site is provided off 1 Mile South with vehicles exiting back out through Bentsen Palm Drive.

- **Hours of Operation:** Every day from 12 p.m. to 12 a.m.
- **Staff:** 6 employees per shift. 2 shifts per day
- **Parking:** The building measures approximately 1,200 sq.ft. The number of parking spaces required for this size building is 5. The applicant is providing 4 spaces along the front of the building located on the north east side of the lot. There is also stacking for approx. 3 cars when placing orders.
- **Landscaping and Buffering:** The applicant will also be providing landscaped areas to meet the City's requirements on landscaping. A landscaping plan will be presented the day of the meeting.

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

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

1. A 1 year approval in order to assess the new business;
2. Must comply with all Building, Fire, and Health Codes;
3. Must acquire a new Business License.

Mr. Acevedo stated the property is already zoned commercial. The applicant applied for Conditional Use Permit for a drive-thru at the proposed site location for daily essentials.

A petition in opposition to this request was submitted from the adjacent RV Park.

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

There was none.

Chairman Sheats asked if the applicant was present.

Chairman Sheats asked if there was input from the public.

Mrs. Julia Stanton-Peck was present to state opposition on behalf of persons who signed the petition.

Public opposition voiced during the meeting was expressed that the area was not suitable for commercial properties which will create additional traffic including speeding, thievery in the area, and security concerns.

Mr. Acevedo clarified the property was zoned neighborhood commercial three of four

years ago. The request is for a drive-thru. The applicant can still place a store without the drive thru component.

Mr. Larry Lemmert reiterated the type of commercial business applying for the drive-thru is a “slippery slope” which may allow other types of commercial activity to come into the residential area.

Chairman Sheats stated there are restrictions attached to the C-2 zoning. This is not a hearing for the use of that particular use of business. This is only a hearing as to the use of a drive-thru.

Mr. Larry Lemmert added the sale of alcohol would be a magnet for late night traffic.

Mrs. Peck addressed the board again asking that if someone were to talk to the owner, and talk reasonable prices she would see that enough money were raised by the park to buy the parcel of land just to leave it alone and sit there peacefully.

There being no further discussion, Chairman Sheats entertained a motion. If there were no motion, then the item would fail for lack of a motion.

Mr. Acevedo stated that it would be an item that no action was taken on.

Vice-Chairman Guerra made a motion to move to deny Item #1.7. Chairman Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:43 p.m.**

**Ended: 6:46 p.m.**

**Item #1.8**

**Conditional Use Permit:**

**Sale and On-Site Consumption of  
Alcoholic Beverages – Palms II Lounge  
600 E. 9<sup>th</sup> Street  
Lots 11-15, Block 142,  
Mission Original Townsite Subdivision  
C-3  
Damian Fidel Soliz**

Mr. Acevedo went over the write-up stating the subject site is located on the SE corner of E. 9<sup>th</sup> and St. Marie. This particular building has been in existence for several years and has always been utilized as a bar. The original CUP for the Palms II Lounge was approved by City Council on 10-11-93 for the life of use. Then in 2013, Mr. Ricardo Rodriguez took ownership and has been operating the establishment since. Mr. Rodriguez is in the process of transferring his operation to Damien Fidel Soliz and now Mr. Soliz needs a CUP for the sale and onsite consumption of alcohol at this location. Primary access to the bar is off of E. 9<sup>th</sup> St. They currently do offer various food items available upon request.

- **Hours of Operation:** **Monday – Friday** from 10a.m. to 12a.m., **Saturday** from 10a.m. to 1a.m. **and Sunday** from 12p.m. to 12a.m.
- **Staff:** 3 to 5 employees
- **Parking:** The parking lot for this site is located along the south and east side of the building. It is noted that this site is located within the Central Business District which is exempt from the parking code.
- Planning asked PD for a report of incidents. Staff should have this information by the date of the meeting.

**RECOMMENDATION:** Staff recommends approval of this CUP for a period of two years at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Mr. Damian Soliz, applicant was available to answer any questions the board might have.

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

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to deny the conditional use permit as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:46 p.m.**

**Ended: 7:00 p.m.**

**Item #1.9**

**Conditional Use Permit:** **To construct a new 90' Wireless Telecommunications Tower on property zoned AO-I (Agriculture Open Interim) for T-Mobile 2108 W. Griffin Parkway 50'x50' leased area of 2.52 acres out of Lot D, B.L. Millers Subdivision AO-I NTCH-NM, LLC (c/o Crystal Garcia)**

Mr. Acevedo went over the write-up stating the site is located approximately ¼ mile west of Inspiration Road along the north side of Griffin Parkway (F.M. 495). Access to the 50' x 50' leased site is provided through Griffin Parkway. T-Mobile is proposing to install new 90' tall self-supported towers with associated ground equipment. This location was chosen by T-Mobile to fill in gaps in their network and expand their cell coverage.

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

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

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

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

Chairman Sheats asked the commission if they have any question for staff.

Vice-Chairman Guerra asked where the tower was to be placed.

Mr. Acevedo stated about 250' to the west side of the property.

Mr. Robert Ho-Shing voiced safety concerns of the tower installation, as well as requesting a compromise of moving the tower further in.

Ms. Crystal Garcia appeared on behalf of the applicant stating that moving the tower further is a possibility.

There being no further discussion, Chairman Sheats entertained a motion. Dr. John Guerra moved to table the conditional use permit. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 7:00 p.m.**

**Ended: 7:02 p.m.**

**Preliminary & Final**

**Re-Plat Approval:**

**Re-Plat of Lot 6, Ellis No. 6 Subdivision  
Being a 0.50 acre tract of land, more or less,  
consisting of all of Lot 6, Re-Plat of Lot 6,  
Ellis No. 6 Subdivision**

**Rural ETJ**

**Developer: Texcitrus Land Development  
Company, LLC**

**Engineer: Salinas Engineering & Associates**

Mr. Acevedo went over the write-up stating the proposed re-plat is located on the southwest corner near the intersection of Melissa Lane and Davis Lane, approximately 700' south of Melissa Lane.

The original Ellis No. 6 Subdivision consists of 10 existing single family residential lots. Lot 6 was recorded with a 15' utility easement. Since the utility does not exist, the applicant is requesting approval of this re-plat of Lot 6 Ellis No. 6 Subdivision which eliminates said easement.

**UTILITIES:** When Ellis No. 6 Subdivision was first subdivided, water and sewer services were provided for each lot. A field visit revealed that each lot has its own water, sewer, and electrical services.

**STREETS & STORM DRAINAGE:** This is simple a re-plat of an internal lot, there is no additional ROW required. Drainage is accomplished through an existing bar ditch and onsite detention.

**RECOMMENDATION:** Staff recommends approval subject to complying with all typical format findings.

Chairman Sheats asked if there were any questions with respect to this item.

There being none.

Being no further discussion, Chairman Sheats entertained a motion. Julio Cerda moved to approve the Preliminary and Final Re-Plat Approval. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 7:02 p.m.**

**Ended: 7:05 p.m.**

**Item #3.0**

**Pre-Final Plat Approval:**

**Mayfair Residence Subdivision**

**Being a 21.59 acre tract of land out of**

**Lot 7 & 8, and the East 2.00 acres of**

**Lot 6, Rees Subdivision**

**R-1**

**Developer: Union Design Developers**

**Engineers: South Texas Infrastructure Group**

Mr. Acevedo went over the write-up stating the proposed subdivision is located at the NW corner of Stewart Road and Trinity Road—see vicinity map. The developer is proposing 83 Single Family Residential lots, all exceeding the area and frontage requirements of an R-1 lot.

**VARIANCE #1: To allow the subdivision to be private and gated.** The subdivision code states that a “Lot means an undivided tract or parcel of land having frontage on a public street...” We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to this variance.

**WATER:** The developer is proposing an 8” water system to an existing 8” line located along the west side of Stewart Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal’s direction.

**SEWER:** In regards to sewer, the developer is proposing to connect an 8" sanitary sewer line to an existing 8" sewer line along the east side of Stewart Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 83 lots X \$200.00/Lot = \$16,600.00.

**STREETS & STORM DRAINAGE:** The subdivision has frontage to Stewart Rd., which is a future 60' ROW 43' B/B street. There is an additional 10' of ROW proposed which will comply with the requirement of 60' from centerline. There is no additional ROW required along Trinity. The developer will be widening Stewart Road during the utility phase of this subdivision, no fees will be collected by City for street widening costs. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the City's construction specifications. Drainage for the subdivision is proposed via Type A inlets connected to 24" RCP drainage line draining into the nearby Hidalgo County Drain Ditch No. 1.

**OTHER COMMENTS:**

Escrow Park Fees **(83 Lots X \$300.00 = \$24,900.00)**

Installation of Street Lighting as per City standards

Install or Escrow 5' sidewalks along Trinity & Stewart Rd. **(1600' X \$12.00/L.F.= \$2,345.88)**

Exclusion from the Water District

**RECOMMENDATION:**

Staff recommends approval subject to:

1. No objection to variance, subject to meeting private street policy;
2. Must meet the Model Subdivision Rules;
3. Comply with the street alignment policy; and
4. Must pay the capital sewer recovery fees.

Chairman Sheats asked if there were any questions with respect to this item.

There being none.

Being no further discussion, Chairman Sheats entertained a motion. Carlos Lopez moved to approve the Preliminary and Final Plat Approval. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0**

**OTHER BUSINESS**

There was no other business.

**ITEM #5.0**

**ADJOURNMENT**

There being no further items for discussion, Dr. John Guerra moved to adjourn the meeting. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 7:05 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission