

**PLANNING AND ZONING COMMISSION
FEBRUARY 14, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Julio Cerda

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Joel Chapa, Jr.

GUESTS PRESENT

Aaron Balli
Frank Ferris
Mike Warshak
Rosa Maria Uribe
Mario Reyna, P.E.

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR JANUARY 24, 2018

Chairman Sheats asked if there were any corrections to the minutes for January 24, 2018. 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: 5:12 p.m.

Item #1.1

Adoption of Ordinance # _____ Amending Article III Sections 1.9, 1.10, and 1.11 of Appendix A of its Code of Ordinances allowing for the extension of any nonconforming uses of structures, or of structure and land combination, which were manifestly arranged or designed for such use

Mr. Jaime Acevedo went over the proposed adoption of ordinance Amending Article III Sections 1.9, 1.10 and 1.11 of Appendix A which would allow for the extension of any nonconforming uses of structures, or of structure and land combination, which were manifestly arranged or designed for such use. Mr. Acevedo stated that what the City is trying to do with this ordinance is to help out the property owners in the Old Townsite who were part of the rezoning that took place in 2008 - 2009 in which properties that were sold duplex-fourplex were changed to R-1 (single family residential). He mentioned that this would also help a particular property owner that already has some apartments in the area to rebuild should there be a fire or if they had room to expand but for some reason didn't

before the rezoning took place they would be able to expand the nonconforming use. Mr. Acevedo stated that it would also benefit the businesses that have parking backing up to the street. He mentioned that the City Attorney had actually prepared this ordinance but the City Manager, Assistant Planning Director, City Attorney and himself had discussed it prior to it being drafted.

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

Chairman Sheats stated that in his opinion this ordinance was not exactly what it intended to be and it appeared to accommodate items that could be easily taken care off with a conditional use permit.

Mr. Acevedo stated that they did considered the conditional use permit option but if their property gets destroyed by an act of nature such as a fire or hurricane the current ordinance does not allow them to reconstruct. He mentioned that these residents invest a lot of money on their properties and to restrict or apply conditions with a CUP was not something we wanted to pass on to residents.

Mrs. Marin asked if this ordinance would only be for the properties that were most recently annexed.

Mr. Acevedo mentioned that it would benefit both newly annexed properties and existing properties.

Dr. Guerra asked what made staff bring this ordinance to the board.

Mr. Acevedo mentioned that there is a property owner who recently purchased a property and would like to add to the existing apartment and with the current ordinance he is not able to do so plus a recent property that burned.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the ordinance as presented. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously with Chairman Sheats abstaining.

Started: 5:12 p.m.

Ended: 5:15 p.m.

Item #1.2

Rezoning:

**A 6.01 acre tract of land out of Lot 26-12,
West Addition to Sharyland Subdivision
AO-I to R-1A
Aaron Balli**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the west side of Stewart Road between Las Brisas Drive and Thornwood Drive.

SURROUNDING ZONES: N: R-1A – Large Lot Single Family

E: R-1A – Large Lot Single Family
W: AO-I – Agricultural Open Interim
S: R-1A – Large Lot Single Family

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

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Lower Density Residential (LDA) land use, too; thus, R-1A is directly consistent to the LDA designation.

RECOMMENDATION: Approval.

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. Mr. Carlos Lopez moved to approve the rezoning as per staff’s recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:17 p.m.

Item #1.3

Rezoning: **The East 5 acres of the North 10 acres
of the South 20 acres of Lot 27-8,
West Addition to Sharyland Subdivision
AO-I to R-1
Aaron Balli**

Mr. Acevedo went over the write-up stating that the subject site is located ½ mile south of East 2 Mile Road along the west side of Mayberry Road.

SURROUNDING ZONES:
N: AO-I – Agricultural Open Interim
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES:
N: Mission Lateral
E: Residential
W: Residential

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 Residential (LD) land use, too; thus, R-1 is directly consistent to the LD designation.

RECOMMENDATION: Approval.

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. Mr. Jaime Gutierrez moved to approve the rezoning as per staff's recommendations. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:17 p.m.

Ended: 5:26 p.m.

Item #1.4

Rezoning:

**A tract of land containing 73.087 acres
of land being a part or portion of the
Southern part of Porcion 52
(PUD) Residential to (PUD) Public (Non-Residential)
United Irrigation District**

Mr. Acevedo went over the write-up stating that the subject site is located near the Military Road and Inspiration Road intersection along the south side of Military Road.

SURROUNDING ZONES:

N: PUD – Planned Unit Development (Residential)
E: PUD – Planned Unit Development (Non-Residential)
W: PUD – Planned Unit Development (Residential)
S: PUD – Planned Unit Development (Residential)

EXISTING LAND USES:

N: Vacant PUD
E: Vacant PUD
W: Vacant PUD
S: Vacant PUD
Site: Vacant PUD

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. United Irrigation District (UID) has purchased a 73 acre tract of land from Bentsen Palm Development for the purpose of a water reservoir. The Bentsen Palm Development Master Plan has a mixture of existing and anticipated land uses ranging from Residential to Non-Residential or Public land uses. When the Master Plan was approved for Bentsen Palms Development the subject site was approved for residential use. Since the UID is proposing a reservoir at this site, an amendment or rezoning of the approved land use map is required. The triangle shaped subject site is located between an elevated canal, a butterfly park, and the military road thus not directly impacting a residential land use. Staff does not object to rezoning the land use from PUD Residential to PUD Public (Non-Residential).

RECOMMENDATION: Approval.

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

Representing United Irrigation District, Mr. Frank Ferris who is the project engineer provided the Board with a power point presentation – see exhibit “A”, which he went over for the board.

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

Started: 5:26 p.m.

Ended: 5:29 p.m.

Item #1.5

Rezoning:

**0.59 acres out of the North 1.35 acres out of Lot 202, John H. Shary Subdivision & The East 0.41 acres out of the West 11.80 Acres out of Lot 202, John H. Shary Subdivision C-1 to C-4
Licon Almada Family Limited Partnership**

Mr. Acevedo went over the write-up stating that the subject site is located 400’ east of San Antonio along the south side of Business Highway 83.

SURROUNDING ZONES:

N: C-4 – Heavy Commercial
E: C-4 – Heavy Commercial
W: C-4 – Heavy Commercial
S: R-3 – Multi-Family Residential

EXISTING LAND USES:

N: Commercial (Storage Units)
E: Vacant
W: Commercial (Storage Units)

S: Commercial & Residential
Site: Office & Vacant Warehouse

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, staff notes the FLUM can be amended to reflect the proposed C-4 zoning request. The appliance plans on using the back warehouse for a wholesale business selling pallets of returned merchandised and shelf pulled items. 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.

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

Started: 5:29 p.m.

Ended: 5:31 p.m.

Item #1.6

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Mariscos El 7 Mares #2
2500 E. Expressway 83, Ste. 100
Lot 5B, Sharyland Place Subdivision
C-3
7 Mares Mexican Seafood Cocina, LLC**

Mr. Acevedo went over the write-up stating that the 1,500' sq. ft. restaurant site is located within the Kohl's Commercial Plaza approximately ¼ mile east of Shary Rd. along the south side of Expressway 83. P&Z previously approved a CUP at this location on 5/26/10 for a seafood restaurant and later again for a TexMex restaurant on 2/10/16. Since CUP's are not transferable, the new tenant desires a CUP for the sale and on-site consumption at this location to be allowed.

- **Hours of Operation:** Monday – Wednesday from 11:00a.m. to 9:00p.m. and Thursday – Sunday from 11:00 a.m. to 10:00 p.m.
- **Staff:** 5 employees
- **Parking:** Viewing the floor plan, there are 64 total seating spaces, which require 21 parking spaces (64 seats/1 space for every 3 seats = 21.3 parking spaces). It is noted

that the parking area is held in common (657 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to Wal-Mart's existing, interlocking parking lots.

- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)

REVIEW COMMENTS: This property has had this similar use for several years and seemed to work well.

RECOMMENDATION: Staff recommends approval subject to:

1. Approval for 2 year period from issuance of TABC license at which time the applicant will have to renew his TABC license and CUP;
2. Waiver of the 300-foot separation requirement;
3. Must comply with all City and TABC code requirements;
4. Must "Wet Zone" the property if not already wet zoned;
5. Acquire a Business License.

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

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:36 p.m.

Item #1.7

Conditional Use Permit:

**Drive-Thru Service Window – Xquinkles
Snackland Inspiration
3009 N. Inspiration Road
Lot C1-A, Taurus Estates #3 Subdivision
C-3
Rosa Maria Uribe**

Mr. Acevedo went over the write-up stating that the applicant has leased 1,250 sq. ft. within a commercial plaza and installed a drive thru service window for the sale of sno-cones and snacks for **Xquinkles Snack Land Inspiration**. A CUP for drive-thru service window was previously approved at this location by the PNZ on December of 2016. Since CUP's are not transferable, the new owner desires a CUP for the use of drive-thru window at this location to be allowed. The 1,250 sq. ft. business is located at the NW corner of Inspiration Rd. and Giselle St. A 24' drive in the rear of building will provide access to a 13' drive thru lane and will allow tacking for approximately 2 vehicles.

- **Days / Hours of operation:** Every day from 11:00 a.m. to 10:00 p.m.
- **Staff:** 2 employees
- **Parking:** 4 parking spaces are required for a building this size. The applicant is providing 4, thus compliant to code. Plaza has common parking which is in compliance with parking standards.
- **Landscaping:** Complies with landscaping ordinance for the City.

REVIEW COMMENTS: Applicant will have to comply with Health and Fire department for their Business License.

RECOMMENDATION: Approval for 1 year to access this now operation.

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

There was no response.

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

Started: 5:36 p.m.

Ended: 5:39 p.m.

Item #2.0

Pre-Final Plat Approval:

**Replat of Lots 5A & 11A,
Expressway Business Park Phase VIII Subdivision
Being a replat of 5.067 acres being all of
Lots 5A & 11A, Expressway Business Park Ph. VIII
Light Industrial (I-1)
Developer: MEDA
Engineer: Melden & Hunt, Inc.**

Mr. Acevedo went over the write-up stating that the proposed re-plat is located 2000' south of Trinity Drive along the east side of Commerce Drive.

The original Expressway Business Park Phase VIII Subdivision consisted of 12 Industrial Lots. Lots# 5, 11, and 12 ranged from 1.604 acres to 1.796 acres or 5.067 total acres for all three lots. The proposed re-plat will eliminate Lot #12 and increase the size of Lot 5 to 2.576 acres and Lot #11 to 2.492 acres. We have seen other similar re-plats in this area as industries come into the area and request lots of a certain size.

UTILITIES: When Expressway Business Park Phase VIII Subdivision was first subdivided, water and sewer services were provided for each lot. A field visit confirmed that that each lot has its own water, sewer, and electrical services.

STREETS & STORM DRAINAGE: This is simple a re-plat of an existing industrial plat converting 3 lots into 2 lots, there is no additional ROW required for streets. A field visit confirmed that streets and street lights already exist for this development. Drainage will remain as originally approved by Hidalgo County Drainage District when the original subdivision was approved which includes a series of 36" drainage lines connected to an outfall and onsite detention.

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

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

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the replat as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:39 p.m.

Ended: 5:41 p.m.

Item #3.0

Pre-Final Plat Approval:

**Replat of Lot 13, Expressway Business Park
Phase VIII Subdivision
Being a replat of the West 7.225 acres of Lot 13,
Expressway Business Park Ph. VIII
Light Industrial (I-1)
Developer: MEDA
Engineer: Melden & Hunt, Inc.**

Mr. Acevedo went over the write-up stating that the proposed re-plat is located 2000'

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

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Dr. John Guerra moved to approve the replat as presented. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:55 p.m.

Item #4.0

Pre-Final Plat Approval:

**Las Palmas Del Norte No. 3 Phase II Subdivision
A tract of land containing 26.29 acres situated
In Hidalgo County, Texas and also being a part
or portion of Porcion 50**

ETJ

Developer: MEDA

Engineer: Melden & Hunt, Inc.

Mr. Acevedo went over the write-up stating that the proposed subdivision is located 270' south of Mile 5 North Road (F.M. 676) between La Homa Road and Bentsen Palm Drive. The developer is proposing 43 single family residential lots.

WATER - The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 8" water line located along Mile 5 North Road. The 8" water line will be looped and connect to an 8" water line at Basham No. 37 Subdivision. This looped 8" system will 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 .87 miles away).

STREETS & STORM DRAINAGE - The subdivision has frontage to Mile 5 North Road and Centenario Drive will be extended south from Mile 5 North Road providing access to the 43 residential lots. The internal lots will be fronting a 50' ROW 32' B/B paved street and will be built as to County's direction and construction specifications. Drainage for the subdivision is proposed through the use of 24" to 36" H.D.P.E. lines located within the proposed and existing streets that will flow into the West Main Drain III.

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 was any input from the Board.

Ms. Izaguirre stated that the developer is showing that they have ½ acre lots but once they actually take away the easements and the use of septic tanks they have less than ½ acre for lots 6-19.

Mr. Acevedo stated that they still had about ¼ of acre that they could still build on which was most of what our residential lots had.

Ms. Izaguirre mentioned that most residential lots don't have septic tanks and they don't have to worry about the drainage or septic system.

Mrs. Marin asked if staff could impose a plat note alerting the property owners of the buildable area.

Mr. Acevedo stated that he didn't foresee any problem with the developer adding the plat note being requested.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision as per staff's recommendations including a plat note alerting property owners of buildable area. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #5.0
OTHER BUSINESS**

There was no other business.

**ITEM #6.0
ADJOURNMENT**

There being no further items for discussion, Julio Cerda moved to adjourn the meeting. Dr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:25 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission