

**PLANNING AND ZONING COMMISSION
MAY 23, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Julio Cerda

STAFF PRESENT

Jaime Acevedo
Alex Hernandez
J.P. Terrazas
Susana De Luna
Maribel Castellanos
Joel Chapa, Jr.

GUESTS PRESENT

Teresa McCleary
Fred Kurth
Maria Saldivar
Jesus A. Aleman
Tony De La Tejera

Leandro Sandoval
Elizabeth Saldivar
Roel Ruiz Villarreal
Jesus A. Aleman, Jr.
Michael S. McCleary

Lalo Ramirez
Maria Magano
Enrique Garza
Arturo Navarro
Felipe Rodriguez

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 MAY 9, 2018

Chairman Sheats asked if there were any corrections to the minutes for May 9, 2018. Mr. Carlos Lopez moved to approve the minutes as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:01 p.m.

Item #1.1

Discussion and Action to Adopt a Resolution of the City Council of the City of Mission, Texas, designating the Honorary Naming of "Specialist Alex D. Gonzalez Street" on Barbara Street from Inspiration Road to Judy Street

Mr. Jaime Acevedo went over the write up stated that Specialist Alex D. Gonzalez was a veteran who graduated from Mission High School and lived at the end of Barbara Street. Mr. Acevedo mentioned that Mr. Gonzalez was killed in action back in 2008 and one of the things that the City has done is rename a park on Moorefield Road and

Business 83 on the south side of Mission as you enter Palmview. He added that another thing that the City would like to do for the family is designate a portion of Barbara Street in honor of Mr. Gonzalez and change the name to Specialist Alex D. Gonzalez Street. Mr. Acevedo stated that this was something that the City has initiated and its coming from the City Council and staff is seeking P&Z Board approval.

There being no discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the resolution as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:29 p.m.

Item #1.2

REZONING

Lots 2 & 4, Toellner Subdivision

R-1 to R-3

Felipe Rodriguez

Mr. Acevedo went over the write up stating the subject site is located ¼ mile south of Business Highway 83 along the eastern side of San Antonio Street.

SURROUNDING ZONES:	N:	R-3 – Multi-Family Residential
	E:	R-3 – Multi Family Residential
	W:	R-1 – Single Family Residential
	S:	R-1 – Single Family Residential

EXISTING LAND USES:	N:	Multi-Family Residential
	E:	Vacant Multi-Family Residential
	W:	Single Family Residential
	S:	Single Family Residential
	Site:	Single Family 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. However, with the new R-3 development to the east and existing R-3 units to the north, the R-3 proposal seems to fix the existing land uses. When this item was last seen at City Council in 2016, the only concern from the neighbors was related to drainage. Since then, the City has done improvements to alleviate the flooding concerns of the past. The new drainage system installed is doing what it was intended to do and flooding is no longer an issue when it rains. Staff does not object to the R-3 proposal.

RECOMMENDATION: Approval.

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

Mrs. Marisela asked for size of lots.

Chairman Sheats asked if staff had received any opposition calls.

Mr. Acevedo replied, "No".

Representing Mr. Felipe Rodriguez, his son Mr. Jesus Rodriguez was present to address any questions from the Board.

There being none.

Chairman Sheats asked if there was any opposition.

A show of hands indicated that there were 6 residents present against this request.

Mr. Maria Saldivar stated that she is the owner of Lots 3 & 6 and she recalled that at one point lot 6 used to be zoned commercial and that was the dividing line between residential and commercial it was even fenced so that no thru traffic would go into the residential area. She added that a few years ago the City decided to remove the fence and allow thru traffic. She mentioned that her main concerns were the impact these apartments would have on traffic, peaceful neighborhood would go away, safety for children, elderly and residential area and that they currently had no sidewalks for people to walk thru. She added that most of the time the traffic signs were ignored and there were no speed bumps.

Mrs. Marin asked if the City had realized the impact this would have on this area and when was it opened.

Mrs. Saldivar stated that she had owned her property for 40 years and it was about 10 years ago that the City open the street.

Mr. Acevedo stated that he didn't recall the exact date when it was open and as far as the commercial area that is more towards Business 83 than thru the residential area.

Mrs. Saldivar stated that she did not have anything against the applicants but would rather for them to build single family residences on each lot.

Mrs. Elizabeth Saldivar stated that she owned Lots 5 & 7 of the same subdivision and shared her sisters concerns in regards to the traffic.

Mr. Michael McCleary stated that he owned Lots 6, 8 & 10 and was also concern for the traffic, infrastructure, water supply, drainage and sewage. He added that by adding more apartments to this area this would put a constrain on the drainage for this area. He mentioned that currently they have problems with the water pressure.

City Engineer Juan Pablo Terrazas stated that the City had install a couple of curb inlets about 2 years ago as well as a 36" drainage line. As far as the problem with the water pressure this was the first time he heard about it.

Chairman Sheats asked Mr. Terrazas if with the existing infrastructure adding more apartments to this area would be enough for this area.

Mr. Terrazas replied, "Yes".

Mr. Leonardo Sandoval asked how many apartments they could build.

Mr. Acevedo stated that they could build up to 22 apartments although that did not mean that this was the amount they were proposing to build.

Mr. Sandoval stated that he recalled Mayor Salinas saying that they would only be allowed to build 1 house per lot.

Chairman Sheats stated that this was the reason why they were trying to rezone the property so that they could construct apartments instead of single family homes.

Mr. Acevedo stated that this item has been seen by the City Council in the past and it was denied based on the drainage problems that they used to have but since drainage improvements have been made to this area this was the reason staff was supporting the rezoning.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to deny the rezoning as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:29 p.m.

Ended: 5:33 p.m.

Item #1.3

**Drive-Thru Service Window
810 N. Schuerbach Road, Ste. D
Lot 1, Sylvia Plaza Subdivision
C-3
Jesus Aleman**

Mr. Jaime Acevedo went over the write up stating that the site is located at the SE corner of Schuerbach Road and Business 83. There is an existing 24'x 35' (840 sq. ft.) snack shop with a drive-thru service window. Access to the site is provided off of Schuerbach Road with a 45' driveway. There have been several different CUP approvals for the use of the drive-thru window in the past under different operators. The service window is located approximately 15' from the corner of the building which provides stacking for approximately 15' from the corner of the building which provides stacking for approximately three vehicles.

- **Days / Hours of Operation:** Monday—Sunday from 10 a.m. to 10 p.m.
- **Staff:** 3 employees
- **Parking:** The 840 sq. ft. site requires 5 spaces. It is noted that the parking area held in common (35 existing parking spaces, inclusive of gas pump stalls) and is shared with other businesses. Staff has calculated the entire site (the two buildings) to require 21 total parking spaces.
- A business license is required prior to occupancy for the new operator.

REVIEW COMMENTS: Staff has not received any complaints in regards to the drive-thru service window for this or in the past CUP approvals.

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.

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

Mrs. Marisela Marin asked they could impose some directional arrows to avoid people from going in through the exit.

Mr. Acevedo stated that this was a condition use permit and the Board could impose any conditions they deem necessary.

Chairman Sheats asked if they were in compliance with ADA requirements.

Ms. Izaguirre replied, "Yes".

Chairman Sheats asked if there was any input in favor or against this request.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations including the directional arrows. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:37 p.m.

Item #1.4

**Conditional Use Permit Renewal: Home Occupation – Photography Studio
2002 N. Mayberry Road
A 155' x 220' tract of land out of the SW ¼
of Lot 24-9, West Addition to Sharyland Subd.
AO-I
Arturo & Mandie Navarro**

Mr. Acevedo went over the write-up stating the subject site is located in the NE area of Mayberry Road and Volz Lane.

HISTORY: In 2012, Mr. & Mrs. Navarro purchased this site as their personal residence. According to the applicant, the home dates back to approx. 1912, which has been beautifully restored and is located on approximately $\frac{3}{4}$ of an acre.

The applicant wishes to obtain a CUP renewal to continue to offer their property to professional photographers and their clients for outdoor photo sessions for special events such as weddings, quinceneras, anniversaries, etc. This CUP was originally approved on 3-25-13 and last approved on 4-11-15 for a period of 3 years.

- **Hours of Operation:** Monday – Saturday from 9a.m. to 7p.m. by appointment only.
- **Staff:** Only Mr. & Mrs. Navarro run this home occupation.
- **Parking & Landscaping:** There is an existing driveway capable of accommodating 8+ vehicles. Since the CUP has been in effect, Staff has not received any complaints in regards to parking. The site currently has several mature trees and other plants in the area.
- The applicant must continue to comply with Sec.1.56-1, of the Zoning Code (home occupations) – see code below.

REVIEW COMMENTS: The home occupation has been in effect for 1 year with no incidents reported. Since the proposal is by appointment only, and there is plenty of parking and landscaping, staff does not object to the renewal of this CUP.

RECOMMENDATION: Staff recommends approval for 3 years.

Chairman Sheats asked if staff would consider approving the conditional use permit for life of use instead of 3 years.

Mr. Acevedo stated that he would not have a problem if that was P&Z's recommendation.

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

Mr. Arturo Navarro was present to address any questions from the Board.

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 but for life of use. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:41 p.m.

Item #1.5

Conditional Use Permit Renewal: To keep a 12' x 25' Portable Building

**For Office Use – Rio Grande Valley Logistics
1501 Industrial Way
Lot 3, Mission Business Park Subdivision
I-1
Roel Ruiz Villarreal**

Mr. Acevedo went over the write up explaining the subject site is located at the SW corner of Los Ebanos Road and Industrial Way. The dimensions of the lot are 295' x 300' (2 acres). The minimum setbacks are 70' along Industrial Way, 25' on each side, and 15' on the rear. The applicant constructed a 12' x 25' building on block piers and used as an office for a building material exporting business.

- **Hours of Operation:** Monday – Saturday 8 a.m. to 8 p.m.
- **Staff:** 2
- **Parking:** The building requires 4 parking spaces (meets code).
- The parking lot must have one light pole and green areas including a combination of 3 – 7" caliper trees, grass, and shrubs spaced every 3' around the office and parking lot.

REVIEW COMMENTS: In speaking to the applicant, the portable building was constructed onsite. This subdivision is industrially zoned. Staff does not foresee any problems with the office and business proposal.

RECOMMENDATION: Staff recommends approval for a period of 3 years and the installation of lighting for the parking area.

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

The applicant, Mr. Roel Ruiz was present to address any questions from the Board.

Mr. Enrique Garza mentioned that Mr. Ruiz plans to build a warehouse in the future.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre 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: 5:41 p.m.

Ended: 5:46 p.m.

Item #2.0

Single Lot Variance:

**A 1.07 of an acre tract of land being
4315 S. Conway Avenue
A portion of Lots 7-8 & 6-8,
West Addition to Sharyland Subdivision
AO-I
Jorge E. Gomez**

Mr. Acevedo went over the write-up stating the subject site is located approximately 300' south of Cuevas Street along the north side of Military Highway (F.M. 1016). The irregular site measures 1.07 acres of 46,609 sq. ft. The purpose of this Single Lot Variance (SLV) is to comply with the subdivision ordinance so that a permit can be issued for the construction of a single-family dwelling that will be used as a weekend home. Since this will not be the primary residence of the applicant, a Homestead Exemption Variance option is not applicable in this case.

WATER & SEWER – Water service is available through an existing 8' water line located along Military Highway. Given the distance to the nearest fire hydrant it is possible that a hydrant maybe required for this location. A fire hydrant will be required along Military Highway (F.M. 1016). Regarding sewer, the property is served by an existing 6" sewer line located along the south side of Cuevas Street that can provide sewer services. As required with all new subdivisions, a Capital Sewer Recovery will be assessed in the amount of \$200 per Ordinance No. 3022.

STREETS – The property has frontage to both Cuevas Street and Military Highway (F.M. 1016). Military Highway (F.M. 1016) is designated as a major arterial requiring 150' of right of way (75' from centerline to the north and south). The survey shows 50' from center, thus an additional 25' is required. Any future pavement widening of Military Highway will be done TXDoT. Storm drainage will be accomplished through on-site detention.

OTHER COMMENTS:

- Park Fees will be required in the amount of \$300.
- The property must be excluded from the United Irrigation District.
- Escrow for 5' sidewalks is required which equates to \$1,332 (111' x \$12/L.F.)
- Street lights are existing along Military Highway (F.M. 1016)/

RECOMMENDATION: Staff recommends approval subject to:

1. Providing proof of exclusion from the water district.
2. Installation of fire hydrant(s) as recommended by the Fire Chief.
3. Dedication of 25' of additional ROW along Military Highway 83 (F.M. 1016).
4. Submittal of a paving and grading plan.
5. Acquisition of a permit for the construction of the dwelling.

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

There was none.

Mr. Acevedo stated that the applicant was receptive to staff's recommendations although he would amend his recommendations not to include the sidewalk requirements.

Mrs. Marin asked why he would not want to recommend that sidewalk requirement.

Mr. Acevedo stated that currently there are no other sidewalks in this area and it would be unfair to impose on this applicant.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the single lot variance as per staff's recommendations. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:51 p.m.

Item #3.0

Pre-Final Plat Approval:

6 Western Vegas Subdivision

**A 20.00 acre tract of land out of the South 724'
of the West 1452' of the South 67.33 acres of
The West 127.33 acres of the South 175.39 acres
Lying West of Hidalgo County Water Control and
Improvement District No. 6 Main Canal out of
Block 16, Texan Gardens Subdivision**

ETJ

Developer: Tax Ranch, LLC

Engineer: Quintanilla, Headley & Associates

Mr. Acevedo went over the write-up stating the proposed subdivision is located along the east side of Western Road and the north side of Mile 6 north Road. The developer is proposing 12 Single Family Residential lots all exceeding area requirements.

WATER - The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 8" line located along Minnesota the east side of Western Road and another 8" line that runs along the north side Mile 6 North Road 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 over 3.80 miles away).

STREETS & STORM DRAINAGE - The subdivision has frontage to Mile 4 North Road and Western Road. An additional 20' of ROW will be dedicated along Western Road and another 20' along Mile 6 North Road to comply with any future widening of such roads. There will be no internal lots as lots will have frontage to existing Western Road or Mile 6 North Road which is also existing. Drainage for the subdivision is proposed by regrading the roadside ditch along the east side of Western Road and the north side of Mile 6 North Road. The roadside ditch along the east side of Western Road flows

southerly and the roadside ditch along the north side of Mile 6 North Road flows westerly. There is an existing 18" culvert across Mile 6 North Road on the east side of Western Road

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 was none.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:54 p.m.

Item #4.0

Pre-Final Plat Approval:

**Del Oro Subdivision Unit No. 4
Being a Resubdivision of 11.037 acres
Of land out of the South end of Porcion 52
PUD
Developer: Rhodes Enterprises, Inc.
Engineer: Melden & Hunt, Inc.**

Mr. Acevedo went over the write-up stating the proposed subdivision is the 4th phase of the Del Oro Subdivision located approximately ¾ mile East of Schuerbach Road on Mile 1 South – see vicinity map. The developer is proposing 58 Single Family Residential lots.

WATER - Tap to existing 8" water line along Mile 1 South Road; take that 8" water line north along South Castillos Diamantes to connect on to existing 8" water line on Del Oro Drive looping the system. Fire hydrants are shown pursuant to the direction of the Fire Marshal.

SEWER - In regards to sewer, the developer is proposing to extend an 8" sewer network along Del Oro Drive and extend South on South Castillos Diamantes that would service all lots in Phase 4. The Capital Sewer Recovery Fee 58 residential lots X \$200.00/Lot= \$11,600.00

STREETS & STORM DRAINAGE - The developer is proposing to extend Del Oro Drive and propose a new extension of South Castillos Diamantes. This will be 50' ROW, 37 B-B Streets. As for the storm drainage, the developer is proposing to install 4 sets of type "A" inlets and as install 30" R.C.P. lines through easement on South Castillos Diamantes that will flow into an existing drain ditch adjacent to north side of this

property. Said existing drain ditch discharges into Perezville drain ditch with an ultimate outfall into the Mission Pilot Channel.

OTHER COMMENTS

- Dedication of water rights
- No park fees; M.L. Rhodes' dedication of park land still satisfies the Park Dedication Ord.
- Must provide a street light plan for review by Staff.
- 5' sidewalks along Mile 1 South Road

RECOMMENDATION: Staff recommends approval subject to:

1. Must pay capital sewer recovery fees.
2. Dedication of water rights.
3. Compliance with the Model Subdivision Rules

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

There was none.

Mr. Fred Kurth was present to address any questions from the Board.

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

Started: 5:54 p.m.

Ended: 5:58 p.m.

Item #5.0

Pre-Final Plat Approval:

**Retama Village Subdivision No. 5
A Resubdivision of 7.659 acres of land out
Of Lot 14, Del Monte Irrigation Company Subd.
PUD
Developer: Rhodes Enterprises, Inc.
Engineer: Melden & Hunt, Inc.**

Mr. Acevedo went over the write-up stating the proposed subdivision is the 5th phase of the Retama Village Subdivision located near the SE corner of Military and Bentsen Palm Drive. The developer is proposing 23 Single Family Residential, 11 cottage lots, and 2 common areas. This new phase will be a private subdivision, since Retama Village, Ph. I, II, III, and IV are already private. Staff has reviewed this proposal and does not see any detriment to the proposed subdivision or surrounding areas.

WATER - An Existing 8" water line will be extended from Retama Village Phase III along the south side of Hummingbird lane and southward along the east side of proposed street connecting/looping to another existing 8" water line along the south side of Mallard Drive. Fire hydrants are shown pursuant to the direction of the Fire Marshal.

SEWER - In regards to sewer, the developer is proposing to extend an 8" sewer network along Hummingbird Lane southward along the west side of proposed street connecting/looping to another existing 8" sewer line along the north side of Mallard Drive. The Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. 34 residential lots X \$200.00/Lot= \$6,800.00

STREETS & STORM DRAINAGE - The developer is proposing to extend Hummingbird Lane and Mallard Drive to the east to tie into existing Hummingbird Lane and Mallard Drive on Retama Village Phase III. Also, a new proposed street will run southward from Hummingbird Lane and connecting with Mallard Drive. These will be 50' ROW, 37 B-B Streets. As for the storm drainage, the developer is proposing to install 5 sets of type "A" inlets and as installed 30" R.C.P. lines during the construction of Retama Village Phase III that will flow towards the east of the subdivision, and discharge into an existing 42" drain line that connects to an existing drain ditch. The drain ditch discharges thru a 5'X5' box culvert under the Mission Main Canal and has an ultimate outfall into the Mission Pilot Channel.

OTHER COMMENTS

- Dedication of water rights
- No park fees; M.L. Rhodes' dedication of park land still satisfies the Park Dedication Ord.
- Must provide a street light plan for review by Staff.
- 5' sidewalks are not required similar to the first phases of Retama Village; any sidewalks provided will be maintained by the HOA.

RECOMMENDATION: Staff recommends approval subject to:

1. Must pay capital sewer recovery fees.
2. No objection to private street but must meet maintenance and hold harmless requisites.
3. Dedication of water rights.
4. Compliance with the Model Subdivision Rules

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

There was none.

Mr. Fred Kurth was present to address any questions from the Board.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #6.0
OTHER BUSINESS**

There was no other business.

ITEM #7.0
ADJOURNMENT

There being no further items for discussion, Mrs. Marisela Marin moved to adjourn the meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:58 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission