

**PLANNING AND ZONING COMMISSION
JUNE 27, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Jaime Gutierrez
Marisela Marin
Carlos Lopez
Diana Izaguirre
Julio Cerda
Hector Moreno

P&Z ABSENT

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak
J.P. Terrazas

GUESTS PRESENT

Juan P. Quintanilla
George Rice
Alex Mead
Eduardo Careaga
Carlos Peralta
Matt Martin
Matt Dunn
Mario Reyna
Steve Spoor
Olga Rios

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 JUNE 13, 2018

Chairman Sheats asked if there were any corrections to the minutes for June 13, 2018. Mrs. Carlos Lopez moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:11 p.m.

Item #1.1

Rezoning:

A 1.81 acre tract of land, more or less, out of Lot 28-1,
West Addition to Sharyland Subdivision
AO-I to C-3
Juan P. Quintanilla

Mr. Acevedo went over the write-up stating the subject site is located at the South East corner of West 2 Mile Road and Inspiration Road.

SURROUNDING ZONES: N: C-3 General Commercial & R-1 Single Family Residential
E: AO-I – Agricultural Open Interim

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

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

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation.

RECOMMENDATION:
Approval.

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

There were no comments from the board.

The Applicant, Mr. Juan P. Quintanilla, was present to address any questions from the board.

Chairman Sheats asked the Applicant if he informed Staff about any future commercial uses for the site location.

Mr. Quintanilla stated, "I submitted plans to Planning and Zoning for a carwash on the south side and the northwest corner for leasing offices."

Chairman Sheats once again asked if there were any objections from Staff or audience for this particular rezoning.

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: 5:12 p.m.

Ended: 5:15 p.m.

Item #1.2

Rezoning: A .99 acre tract of land, more or less, out of Lot 28-1,
West Addition to Sharyland Subdivision
AO-I to C-4
Juan P. Quintanilla

Mr. Jaime Acevedo went over the write up stating the subject site is located at the South East corner of West 2 Mile Road and Inspiration Road.

SURROUNDING ZONES: N: C-3 General Commercial & R-1 Single Family Residential
E: AO-I – Agricultural Open Interim
W: C-3 – General Commercial
S: R-1 – Single Family Residential

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

FLUM: General Commercial (GC)

REVIEW COMMENTS: The Future Land Use Map reflects a General Commercial (GC) thus reflecting that C-3 would be the highest allowable commercial use for this area. Rezoning to C-4 would appear to have a definite impact to the entire neighborhood south especially with regards to land values and re-sale potential.

RECOMMENDATION: Denial of C-4 but consideration of C-3 approval.

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

There was none.

The Applicant, Mr. Juan P. Quintanilla, was present to answer any question the Board might have.

Chairman Sheats asked Applicant if he was okay with having the whole property as a C-3, and not the portion of a C-4?

Mr. Quintanilla replied, “Yes, I am okay with it.”

Chairman Sheats asked if there was any audience opposition to the rezoning.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the rezoning as per staff’s recommendations to a C-3. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:18 p.m.

Item #1.3

Rezoning: A tract of land out of the Northwest 9.96 acres of Lot 203,
John H. Shary Subdivision
C-4 to R-1T
Eduardo Careaga

Mr. Jaime Acevedo went over the write-up stating the subject site is located 800' south of Business Highway 83 along the west side of Ragland Drive.

SURROUNDING ZONES: N: C-4 Heavy Commercial & R-3 Multi-Family Residential
E: R-3 – Multi-Family Residential
W: R-2 – Duplex Fourplex Residential
S: R-4 – Mobile & Modular Home

EXISTING LAND USES: N: Mission Lateral
E: Residential
W: Residential
S: Residential
Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, R-1T is a less dense land use and a good fit as everything south and west of this property is Moderate Density Residential.

RECOMMENDATION: Approval.

Mr. Jaime Acevedo stated the site is currently home to a daycare that is operating under a C-4. The intent would be to redo this area as residential townhome lots which Staff has no objections to.

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

Mrs. Marisela Marin had a question with respect to drainage.

Mr. Acevedo stated it would have gone through an engineer and plat this property correctly.

Mr. Eduardo Careaga, Applicant, was present to answer any questions the Board might have. He reiterated that his plan is to do townhouses.

Chairman Sheats asked how many units?

Mr. Careaga replied, "Right now we have an engineering study with at least 18 units."

Mr. Acevedo commented this item will come back to planning and zoning for the development, right now it is just an item for rezoning.

Chairman Sheats asked for any audience opposition.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as per staff's recommendations. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:19 p.m.

Ended: 5:25 p.m.

Item #1.4

Conditional Use Permit:

Sale and On-Site Consumption of Alcoholic
Beverages – 5x5 Brewing Company
801 N. Bryan Rd.
Lot 1, Tamkin Subdivision
I-1, Light Industrial
George Rice

Mr. Jaime Acevedo went over the write-up stating the subject site is located on the SW corner of Bryan Road and Business Highway 83. In 2016 the Center for Education and Economic Development (CEED) building was opened by the Mission EDC. One of the businesses that has made the home at the CEED building is the 5x5 Brewing Company. The 5x5 Brewing Company is a Veteran owned and operated craft brewery. While the applicant currently has a Business License to brew and distribute from this location, the applicant would also like to offer the sale and on-site consumption of alcohol from this location on the 2nd and 4th Saturday of the month. In talking to the applicant, the establishment has also agreed to impose a 3-drink limit to its customers.

- **Parking:** There are currently several existing parking areas shared with the various businesses within the CEED building – see aerial. It is noted that parking is held in common and there is a total of 221 total parking spaces.
- **Hours of Operation:** The hours of operation will be from 2:00 pm to 10:00 pm on the 2nd and 4th Saturday of each month.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are no such uses within this radius.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.

RECOMMENDATION: Staff recommends approval subject to:

1. CUP to be valid from a period of 2 years at which time the applicant will need to renew their CUP and their TABC license.
2. Must continue to comply with all Building, Fire, and Health Codes.
3. Imposing a 3-drink limit (3 pints = 48 ounces)

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

The Applicant, Mr. George Rice, was present to address any questions from the Board. He explained to the Board the company is a veteran owned small batch brewery. They have a distribution contract with L&F Distributors for 250 kegs per month. The backbone of the company is manufacturing and distribution base. The goal is to get the product back into the community at bars and local restaurants.

Chairman Sheats asked, "Are Saturday's intended for meet and greet?"

Mr. Rice stated, "There are craft beer enthusiasts, so there are actual craft beer road maps, and we are hoping to be a staple stop."

Chairman Sheats inquired as to the specific "brew pub license?"

Mr. Rice replied, "The brew pub license allows us to manufacture, distribute, and self-consume on-site. This is relatively new since this has only been around since 2014."

The Board expressed their congratulations to the Applicant.

Chairman Sheats asked if there were any audience opposition.

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

Started: 5:25 p.m.

Ended: 5:29 p.m.

Item # 1.5

Conditional Use Permit:

Sale and On-Site Consumption of Alcoholic
Beverages – 495 Cafe
2614 E. Griffin Parkway
Lot 1, Star Quick Car Spa Subdivision
C-3, General Commercial
Carlos Rafael Peralta

Mr. Jaime Acevedo went over the write-up stating the subject site is located 600' west of Taylor Road along the south side of Griffin Parkway (F.M. 495). This location is currently home to the Car Spa a multi-service facility which has a full car care center, a hair salon, and now a homemade Dominican/Caribbean food restaurant. While the

applicant currently has a Business License for his restaurant, he would also like to offer the sale and on-site consumption of alcohol from this location.

- **Parking:** There are currently several existing parking areas for the Car Spa multi-service facility. It is noted that parking is held in common and there is a total of 37 total parking spaces.
- **Employees:** 4
- **Hours of Operation:** The hours of operation will be from 1:00 pm to 12:00 am Friday, Sunday and Monday (closed Saturday).
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius; thus a waiver of the separation requirement needs consideration.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.

RECOMMENDATION: Staff recommends approval subject to:

1. CUP to be valid from a period of 2 years at which time the applicant will need to renew their CUP and their TABC license.
2. Must continue to comply with all Building, Fire, and Health Codes.

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

Mr. Carlos Peralta, Applicant, was present to answer any questions the Board might have.

Chairman Sheats asked the Applicant to confirm his hours of operation.

Mr. Peralta stated, "For right now we are only opened three days a week."

Chairman Sheats asked if there were any audience opposition.

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

Started: 5:29 p.m.

Ended: 5:36 p.m.

Item # 1.6

Conditional Use Permit:

Sale & On-Site Consumption of Alcohol

Tinseltown Mission

2516 E. Expressway 83

Lot 1, Tinseltown Subdivision

C-4

CNMK Texas Properties dba Tinseltown Mission

Mr. Jaime Acevedo went over the write-up stating the subject site is Tinseltown Mission is located at the SW corner of Expressway 83 and Taylor Road. Tinseltown Mission has a total of 17 theaters ranging between 125 seats up to 300 seats per theater for a total of 3,034 seats. The main entrance to the facility is located along the North side of the building. The main concession area is near the main entrance. There are also snack bars in various other areas within the building that are used during peak times. If approved, the sale of alcohol will take place only from the main concession area.

- **Hours of Operation:** Monday – Sunday from 10:00 am to 1:00 am
- **Staff:** 59
- **Parking:** Tinseltown Mission has a total of 938 parking spaces. For a theater with 3,034 seats parking code requires 759 parking spaces (1 parking space for every 4 seats) thus meeting code.
- **Sale of Alcohol** – Such uses need to be 300’ from residential uses. There are some residences within this radius (Santa Lucia development); thus a waiver of the separation requirement needs consideration.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.

REVIEW COMMENTS: Notices were sent to property owners within 200 feet of this business where Staff has not received any comments in favor or against this CUP. Staff called other Cinemark theaters in the area that offer the sale of alcohol to see if there have been any issues from the sale of alcohol. It is noted that in other cities, the sale of alcohol had not led to any issues.

RECOMMENDATION: Staff recommends approval subject to:

1. A 1 year re-evaluation in order to assess the business;
2. No sale or consumption after midnight;
3. Must comply with all City and TABC code requirements;
4. Must “Wet Zone” the entire property;
5. Must acquire a Business License, if needed.

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

Chairman Sheats asked Mr. Acevedo if Staff looked into security for the movie theatre.

Mr. Acevedo replied, “Yes. Tinseltown actually hires Mission P.D. as security. One of the things I will note that this item was going to be presented to P&Z two years ago, and at that time the alcohol sales were to cease at midnight.”

Chairman Sheats inquired about the hours for the alcohol sales, specifically when to stop selling.

Mr. Acevedo stated, "We are not being specific on the hours of operation. Just stating the hours of operation the theatre will be open as long as they are in compliance with TABC rules."

Mr. Matt Martin, representative for Applicant, as well as Mr. Matt Dunn from Cinemark, was present to answer any questions the Board might have.

Chairman Sheats asked if there were any audience opposition.

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

Started: 5:36 p.m.

Ended: 5:37 p.m.

Item # 1.7

Conditional Use Permit Renewal: Home Occupation—Licensed Home Day Care
905 W. 20th Street
.50 Acre Tract of Land out of the E. 10 Acres
Of the N. 15 Acres out of Lot 23-4, W.A.S.
Subdivision
AO-I
Life of Use
Diana C. Guerrero

SITE: This CUP was originally approved initially approved in 2007 and most recently in 2015 and needs renewal consideration at this time. The subject site is located on the south side of West 20th Street 200' east of Holland Avenue—**see vicinity map**. The applicant has her residence thereon with a 10' x 70' paved driveway along the west side of her property and a second circular driveway along the front of the property. Both driveways can be utilized to safely drop off and pick up children. A 6' cedar fence surrounds the property. The applicant cares for 6 children at a time and is permitted to care for up to 12.

- **Hours of Operation:** The days/hours of operation are: Monday through Friday from 5:30 a.m. to 12:00 a.m. and Saturday from 8:00 a.m. to 7:00 pm.
- **Staff:** the applicant and 1 other employee
- **Parking & Signage:** are meeting code.

REVIEW COMMENTS: This operation has been in existence for over 10 years now. The applicant has complied with what has been imposed in the past which included a circular paved driveway and 4' sidewalks along 20th Street to interface Bubble Rise. Notices were sent out to property owners within the 200' radius of the site. Staff has not received any comments for or against this request.

RECOMMENDATION: Staff recommends approval for life of use subject to this CUP not being transferable to others.

Mr. Jaime Acevedo stated at this point there will be no action taken on this item and called for a motion.

Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to take no action as per staff's recommendation. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:39 p.m.

Item # 1.8

Conditional Use Permit Renewal: 3 Drive-Thru Lanes and 1-ATM for Banking Services for Texas National Bank
501 N. Shary Road
Lot 1
Hofland Subdivision
C-4
Texas National Bank

Mr. Jaime Acevedo went over the write-up stating the subject site is located 250' north of E. 4th St. along the north side of Shary Rd.. The applicant is requesting a Conditional Use Permit renewal for their existing bank operation. The bank has primary access off of Shary Rd. They currently have 3 drive-thru lanes for banking services and 1 ATM lane—**see site plan.**

- **Hours of Operation:** The building hours are Monday – Thursday from 9 a.m. to 5 p.m., Friday from 9 a.m. to 6 p.m. and Saturdays from 9 a.m. to 1p.m. The drive-thru hours are Monday – Friday from 7:30 a.m – 6 p.m. and Saturday from 7:30 a.m. – 1 p.m.
- **Staff:** 8 employees
- **Parking & Landscaping:** are existing and meet code.

REVIEW COMMENTS: This new bank has been in operation for 1 year now and has been a great addition to the Shary Road area. The bank facility has been heavily landscaped and the drive-thru lanes have enough stacking to accommodate over five vehicles per lane. The traffic from the lanes will face south away from the residential uses to the west. Notices were sent out to property owners within the 200' radius of the site. Staff has not received any comments for or against this request.

RECOMMENDATION: Staff recommends approval for life of use subject to this CUP not being transferable to others.

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

Mrs. Olga Rios, representative for the Applicant was present to answer any questions the Board might have.

Chairman Sheats asked if there was any audience opposition.

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: 5:39 p.m.

Ended: 5:42 p.m.

Item # 1.9

Conditional Use Permit Renewal: Temporary Mobile Home for Health
Care of Resident Parents
909 S. Stewart Road
Tract out of Lot 1, Praxedis Garza
Porcion 58, Hidalgo County
R-1
Mary Nelly Rodriguez

Mr. Jaime Acevedo went over the write-up stating the subject site is located approximately 1,500' south of Expressway 83 along the east side of Stewart Road. It is north of San Jose Cemetery. A CUP was initially approved by P&Z on 4/14/99 and last renewed on 4/27/15. When this CUP was last reviewed the following conditions were imposed: 1) re-evaluation in 3 years, 2) not to be used as a rental structure, and 3) once the intended need is no longer evident, the structure to be removed within 30 days.

Staff interviewed the applicant and assessed the need to keep the mobile home. The applicant continues to care for her elderly parents – Manuel and Ofelia Rodriguez. Mr. Rodriguez had open heart surgery a few years ago and requires medical attention regularly. The applicant cares for her mother and father and drives them to their doctor's appointments and is requesting that her CUP be renewed.

No comments in favor or against renewing the CUP have yet been forwarded to the Planning Department. Attached herewith is a copy of a site plan, vicinity map, aerial photograph, and mail out list.

RECOMMENDATION: Since the CUP's intent is still evident, we recommend approval subject to: 1) re-evaluate in 5 years, 2) not to be used as a rental structure, and 3) once the intended need is no longer evident, the structure be removed within 30 calendar days.

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

Ms. Diana Izaguirre questioned the life of use.

Mr. Jaime Acevedo stated that it could go to five years due to the specificity of the use.

Chairman Sheats asked if there was any audience opposition.

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

Started: 5:42 p.m.

Ended: 5:47 p.m.

Item # 2.0

**PRELIMINARY & FINAL
PLAT APPROVAL**

Inspiration Heights Subdivision
7.196 acres of Lot 13
Goodwin Tract No. 3 Subdivision
R-1
Developer: Eloy Chapa
Engineer: Melden & Hunt, Inc.

Mr. Jaime Acevedo went over the write-up stating the proposed subdivision is located approximately ¼ mile north of W. Griffin Parkway (F.M. 495) along the west side of Inspiration Road. The developer is proposing 38 Single Family Residential lots all exceeding area requirements.

WATER

There is currently a 12" waterline on the along the west side of Inspiration Road. The developer is proposing to connect into the 12" water line at two points and looping water services within the proposed subdivision. Fire hydrants will be installed as per the Fire Marshal's direction.

SEWER

The developer will be connecting to an existing 8" sewer line along the west side of Inspiration Road.

STREETS & STORM DRAINAGE

The subdivision has access to Inspiration Rd., a future 100' ROW, 65' B/B Street. The developer will be dedicating an additional 10' of ROW along Inspiration Road to equate to the minimum 50' from centerline. The subdivision consists of a series of internal streets with a 50' ROW and a 32' B/B paved streets. Storm drainage is accomplished through a series of 24" storm lines which will connect into the Hidalgo County Drainage District No. 1 Mission Lateral.

OTHER COMMENTS

Street names to comply with street alignment policy

Comply with all format findings

Must exclude the property from the Water District.

Must provide park fees in the amount of \$300/lot which equates to \$11,400.
Must provide a street light plan for review by staff.

RECOMMENDATION

Approval subject to:

1. Payment of park fees and sewer capital recovery fees
2. Water district exclusion
3. Comply with all other format findings

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

There was none.

Mr. Mario Reyna 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. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:52 p.m.

Item # 3.0

**PRELIMINARY & FINAL
PLAT APPROVAL:**

Crystal Estates Ph. III
12.51 Ac. out of Lot 27-2
West Addition to Sharyland Subdivision
R-1
Developer: DG & GG Investments, LLC
Engineer: Spoor Engineering Consultants, Inc.

Mr. Jaime Acevedo went over the write-up stating the proposed subdivision is the second phase of Crystal Estates located at the Northeast corner of Los Ebanos Road & Rebecca Street. The proposed phase of this subdivision will consist of 44 single family lots.

WATER

An internal 8" water line system will provide service to all lots with fire hydrants to be installed via direction from the Fire Marshal's office. The system will be looped by connecting the internal 8" lines to existing 8" lines located within Inspiration Manor Subdivision—**see utility map.**

SEWER

An internal 8" system will provide sewer service to the lots as it ties into the existing 8" line network within Phase II—**see sewer plan.** The capital sewer recovery fee will be imposed to the residential lots, being \$200/lot X 44 lots = \$8,800.00.

STREETS & STORM DRAINAGE

The developer is proposing to extend the 50' ROW, 32' B/B Esperanza, Alexa Maria, Rebecca, & Leandro Streets. Storm drainage is accomplished through a 24" & 30" storm pipe extended south of the subdivision which will discharge via an 18" line to the existing 200' ROW H.C.I.D No. 1 canal.

OTHER COMMENTS

Street names to comply with street alignment policy

Comply with all format findings

Must exclude the property from the Water District.

Must provide park fees in the amount of \$300/lot which equates to \$13,200.

Must provide a street light plan for review by staff.

RECOMMENDATION

Approval subject to:

1. Payment of park fees and sewer capital recovery fees
2. Water district exclusion
3. Comply with all other format findings

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

There was discussion about street access for the subdivision.

Mr. Steve Spoor 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 #4.0
OTHER BUSINESS**

There was no other business.

**ITEM #5.0
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 5:53 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission