

**PLANNING AND ZONING COMMISSION
AUGUST 22, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Julio Cerda

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak
J.P. Terrazas
Joel Chapa, Jr.

GUESTS PRESENT

Ariana Alvarez
Filimon Hinojosa

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:31 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR AUGUST 8, 2018

Chairman Sheats asked if there were any corrections to the minutes for August 8, 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: 5:31 p.m.

Ended: 5:33 p.m.

Item #1.1

Rezoning:

A 0.16 acre tract of land, more or less, out of Lot 42
Bell-Woods CO's Subdivision "C"
C-2 to R-2
Gilberto Gutierrez

Mr. Acevedo explained to the Board no action needed to be taken on this item.

Mr. Jaime Gutierrez moved to take no action on the item. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:38 p.m.

Item #1.2

Rezoning:

All of Lot 30, and East ½ of Lot 29,
Ala Blanca Subdivision Unit No. 2

R-1 to C-3
Noe Rodriguez

Mr. Jaime Acevedo went over the write-up stating the subject site is located along the south side of U.S. Expressway 83 frontage 500' east of Paloma Street.

SURROUNDING ZONES: N: C-3 – General Commercial
E: R-1 – Single Family Residential
W: C-2 – Neighborhood Commercial
S: R-1 – Single Family Residential

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

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is consistent to the GC designation. It seems that the commercial zoning proposal is an expected transition zone with frontage to U.S. Expressway 83.

RECOMMENDATION: Approval.

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

There was none.

The Applicant's sister was present to answer any question the Board might have. She did not state her name for the record.

Chairman Sheats inquired as to the Applicant's future intention for a C-3 use, as well as the type of buffering that is surrounding the property.

Representative for the Applicant stated her brother bought the property as an investment, and she did not know the future use. The property is surrounded by a chain link fence.

Chairman Sheats did inform the Representative for the Applicant that a proper buffer such as a solid fence would need to be installed around the property.

Chairman Sheats asked if there was any audience opposition.

There was none.

Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations, and to include suitable buffering. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:38 p.m.

Ended: 5:45 p.m.

Item #1.3

Conditional Use Permit: El Korita Drive-Thru Convenience Store
3300 N. Inspiration Road
Lot 1, Gomez Estates Subdivision
C-3
Edgar J. Ramirez Castellano

Mr. Jaime Acevedo went over the write-up stating the site is located on the NE corner of Inspiration Road and 2 Mile. The subject site currently has an existing drive-thru business. Different tenants have operated with a CUP for a drive-thru at this location over the years. Since CUP's are not transferable, the newest operator Mr. Ramirez is requesting a CUP to be granted at this location. Primary access into the drive-thru business is from Mile 2 Road, then exiting out through Inspiration Road.

- **Days / Hours of operation:** Monday – Friday from 10 a.m. – 12 a.m., Saturday from 10 a.m. – 1:00 a.m., and Sunday from 12:00 p.m.—12:00 a.m.
- **Staff:** 2 employees
- **Parking:** The drive thru business measures 3,506 sq. ft. which requires 12 parking spaces and the existing water mill requires 4 spaces. There is a total of 14 parking spaces, plus enough space for 3 vehicles within the building for a total of 17 spaces.

REVIEW COMMENTS: Notices were sent within a 200' radius of the site, and as of the date of this write-up (1/5/17), staff has not received any comments in favor or against the CUP.

RECOMMENDATION: Approval for 1 year to access this new operator.

Chairman Sheats asked if there were any questions from the Commission to Staff about this item.

Chairman Sheats expressed his "concern" over the condition of the property with respect to sign ordinance compliance, ADA compliance, resurfacing the parking lot, and general overall property upkeep. He suggested that a business license not be issued until all of his concerns were addressed.

Mr. Jaime Acevedo explained the City's procedure with respect to obtaining a business license and the addressing of the condition of the property at that time.

Chairman Sheats asked if the Applicant was present.

Applicant was not present.

Mrs. Marisela Marin reminded the Board the Applicant was a tenant and not the property owner, and the requirements mentioned by Chairman Sheats were asked of the prior tenant.

Ms. Diana Izaguirre reiterated that stripping for the drive thru needed to be in compliance.

There was discussion between Staff and the Board with respect to outdoor lighting for the site.

Chairman Sheats asked for public comment from anyone in the audience.

There was none.

Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations, and to include requirements for ADA compliance, restriping of the parking, resurfacing of the parking lot, and overall property improvement. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:55 p.m.

Item #1.4

Conditional Use Permit:

Sale & On-Site Consumption of Alcoholic Beverages
El Rinconcito Restaurant
2530 E. Griffin Parkway
Lot 12, Sharyland Plaza Subdivision
C-3
Event Fili's Catering & More, LLC
c/o Filimon Hinojosa

Mr. Acevedo went over the write-up stating the subject site is located approximately 200' east of Hackberry along the south side of Griffin Parkway (F.M. 495). Mr. Hinojosa is proposing to operate a catering business from this location but would also like to use the facility as a restaurant and desires a CUP for the 'Sale and On-Site Consumption of Alcoholic Beverages' at this location to be allowed. Access to the site can be from one primary driveway to Griffin Parkway or from a separate driveway along Hackberry. In the past this was the location for Shotz Bar & Grill which operated from this location for 5-6 years.

- **Hours of Operation:** Sunday – Thursday from 11:00a.m. to 10:00p.m. and Friday and Saturday from 11:00a.m. to 11:00p.m.
- **Staff:** 5 employees

- **Parking:** Viewing the floor plan, the 3,000 sq. ft. building will have a total of 95 seating spaces proposed in the dining area and 14 seating spaces proposed in the bar area for a total of 109 seating spaces. One parking space for every three seats equates to 36 parking spaces required. Parking is held in common and meets code for this development.

Also, the 'bar' component requires it to be 300' from the nearest residence—there are several homes to the south within the 300' radius. We did send 27 notices to residents within a 200' radius, as of the time of this writing Staff had not received any opposition to the request.

RECOMMENDATION: Approval subject to:

1. CUP to be valid from a period of 2 years from issuance of TABC License;
2. No objection to a waiver of 300' separation requirement from residential;
3. Acquisition of a business license; and
4. Wet zoning the property;

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

Mrs. Marisela Marin inquired as to the duration of the CUP being requested.

Mr. Jaime Acevedo explained CUP's for alcohol are being aligned with TABC renewals.

Mrs. Marisela Marin expressed her concern based on prior owner/operator at the site location because of numerous noise complaints.

Mr. Jaime Acevedo reiterated that the Applicant's primary business is the catering business and will not be like the prior owner.

Mr. Filimon Hinojosa, Applicant, was available to answer any questions the Board might have.

Mr. Hinojosa explained that his type of business is completely different than the previous owner to the property, and is mainly a catering company who will probably close around 10:00 o'clock p.m.

Chairman Sheats asked if there were any audience opposition.

There was none.

Mr. Jaime Gutierrez moved to approve the conditional use permit as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 5:58 p.m.

Item # 1.5

Conditional Use Permit

Renewal:

Sale & On-Site Consumption of Alcoholic Beverages
Coffee Artista
1506 E. Griffin Parkway, Suite C
Lot 3, Shah Eye Center Subdivision
C-3
Coffee Artista, LLC
c/o Nora Shah

Mr. Jaime Acevedo went over write- up stating the establishment is located near the SE corner of Stewart Road and Griffin Parkway (F.M. 495). The applicant is proposing to add the sale of wine to their coffee/sandwich shop located within the Shah Eye Center.

- **Hours of Operation:** Monday through Saturday 7:00 am to 9:00 pm and Sunday from 8:00 am to 9:00 pm.
- **Staff:** A total of 6 employees will man the operation during different shifts.
- **Parking:** The subject site shares use of the coffee shop with Shah Eye Center. There are 244 parking spaces, exceeding code for this existing mixed use as proposed.
- **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.)
- **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.

We did send 35 notices to residents within a 200' radius, as of the time of this writing Staff had not received any opposition to the request.

RECOMMENDATION: Approval subject to:

1. CUP to be valid from a period or 2 years from issuance of TABC License;
2. No objection to a waiver of 300' separation requirement from residential;
3. Wet zoning the property; and
4. Parking lot to be restriped.

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

There was none.

Ms. Ariana Alvarez, Representative for Applicant, was available to answer any questions the Board might have.

Chairman Sheats asked if there were any audience opposition.

There was none.

Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:58 p.m.

Ended: 6:11 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

Eduardo's Subdivision No. 18

A 19.43 acre tract of land, out of Lot 46-4,
West Addition to Sharyland Subdivision
ETJ

Developer: Aniceto Izaguirre

Engineer: Izaguirre Engineering Group, LLC

The proposed subdivision is located near the NW corner of Mile 6 Road and Trospers Road intersection. The developer is proposing 76 Single Family Residential lots all exceeding area requirements.

WATER - The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 8" line located along the west side of Trospers Road to provide water service to each lot. There are no fire hydrants provided for this Rural ETJ subdivision.

SEWER - In regards to sewer, the developer is proposing to extend an 8" sewer line out within the subdivision and connecting to 10" a sewer line along Trospers Road. The sewer CCN belongs to Mission but the nearest line is 4 ½ miles away.

STREETS & STORM DRAINAGE -

The subdivision has frontage to Trospers 6 Road a paved county road with 80' of ROW. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. Drainage for the subdivision is proposed through the use of Type A inlets and 24" H.D.P.E. lines located within the proposed streets that will flow into the existing West Main III Outfall-see HCDD #1 approved drainage report.

RECOMMENDATION:

Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules;
2. Comply with the street alignment policy; and
3. Comply with comments from the County Planning Department.

Mr. Jaime Acevedo added he had a confirmed the sewer CNN belongs to the City of Mission not McAllen. As a result, please disregard recommendation number 3.

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

Mrs. Marisela Marin asked to address Mr. J.P. Terrazas, City Engineer.

Mr. J.P. Terrazas was available to address any questions the Board might have.

There was discussion between the City Engineer and the Board with respect to the General Plat Notes and the Drainage District requirements.

Mrs. Marisela Marin moved to approve the subdivision plat approval as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously. Ms. Diana Izaguirre abstained from voting.

Started: 6:11 p.m.

Ended: 6:18 p.m.

Item # 3.0

**Preliminary & Final
Plat Approval:**

Twin Oaks Subdivision
8.324 acres being a portion of Lots 192 and 202,
John H. Shary Subdivision
R-3
Developer: Mission Twin Oaks LP
Engineering: Cross Engineering Consultants

The proposed subdivision is located south side Business 83 between San Antonio Avenue and Glasscock Road. The proposal is to build a 1 lot plat for a 104 unit multifamily 55 year and over senior community.

VARIANCE - To waive the \$11,760.00 in sewer capital fees in exchange for utility improvements that were constructed south of the proposed subdivision along Toledo in Glasscock Acres Subdivision.

WATER - The developer is connecting to a 16" waterline on the along the south side of Business Highway 83 and looping to an existing 6" water line at the end of Union Street. 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 Glasscock Road in Horseshoe Acres Subdivision.

STREETS & STORM DRAINAGE - The subdivision has access to Business Highway 83 via a 60' access easement. No ROW will be dedicated by this development. Driveways into and out of the development will all be private within the 1 lot. Storm

drainage is accomplished through a detention basin that will discharge via an outfall pipe that will be connected to an existing 30-inch storm trunk line under E. 4th Street.

RECOMMENDATION

Since the applicant provided some needed utility work in the abutting subdivision, staff recommends approval to the variance and plat subject to:

1. Payment of Park Fees at \$200.00 x 104 Units = \$20,800.00
2. Provide Water District Exclusion
3. Comply with all other format findings

Mr. Jaime Acevedo further added the City was going to do some in kind contributions as far as drainage improvements. However, the developer took it upon himself and made the improvements and is now asking for a type of credit which would be to waive the sewer recovery fees that would be imposed on the development.

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

There was none.

Chairman Sheats inquired who would be responsible to take care of the detention pond maintenance.

Mr. Acevedo replied it would be the property owner unless an easement was otherwise dedicated.

Mr. J.P. Terrazas, City Engineer, was available to answer any questions the Board might have. He reiterated the property owner would be responsible to maintain the pond.

Mr. Carlos Lopez moved to approve the variance for the subdivision plat approval as per staff's recommendation. 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. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:18 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission