

**PLANNING AND ZONING COMMISSION
SEPTEMBER 12, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Ned Sheats
Raquenel Austin
Carlos Lopez
Jaime Gutierrez
Hector Moreno

P&Z ABSENT

Marisela Marin
Diana Izaguirre

STAFF PRESENT

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

GUESTS PRESENT

Raul Santiago
Irma M. Leo
Luis Juarez
Mario A. Salinas
Mrs. Pena

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 22, 2018

Chairman Sheats asked if there were any corrections to the minutes for August 22, 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: 5:36 p.m.

Item #1.1

Discussion and Action to Adopt an Ordinance of the City Council of the City of Mission, Texas, Amending the Mission Code of Ordinances Appendix A – Zoning, Article VIII, Sections 1.41(2), 1.42(2), 1.43(2), by Amending the Requirement of the R-3 Uses as Permitted Uses Within the C-1, C-2, and C-3 Use Districts Located Within the Original Townsite, as Defined

Mr. Jaime Acevedo went over the write-up stating this would allow for mixed use in Mission Old Townsite. More specifically, allowing for mixed use without specifying a predominate use to be the main principal use of the property.

Chairman Sheats asked for the proximity of Mission Old Townsite.

Mr. Acevedo replied, "From 1st Street to 12th Street, turns on Kika Loop to Holland. On the opposite side it goes up to Bryan Road."

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

There were none.

Mr. Jaime Gutierrez moved to approve the Item. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:39 p.m.

Item #1.2

Discussion and to Adopt an Ordinance of the City Council of the City of Mission, Texas Amending the City of Mission Code of Ordinances Appendix A – Zoning Sections 1.41(3), 1.42(3), 1.43(3), 1.44(3), 1.44a(3), 1.45(3), And 1.46(3) by Adding “Mobile Food Unit” as a Conditional Use; Amending Section 1.56(11) by Imposing Requirements and Restrictions for Approvals; Providing that this Ordinance Shall be Cumulative; Providing a Severability Clause; Providing a Penalty Clause; Providing for a Codification Clause; Providing for Publication in the Official Newspaper; and Providing an Effective Date

Mr. Jaime Acevedo went over the write-up stating this amendment has to do with allowing mobile food units under a conditional use permit. Each will be looked at on a case by case basis and only allowable in commercially zoned districts.

Chairman Sheats asked if there were any changes.

Mr. Acevedo replied, “No changes, just a moratorium lifting the prior ordinance adding mobile food units as a conditional use permit at their businesses. This will be reviewed on a case by case basis.”

There was no public comment or opposition.

Mr. Carlos Lopez moved to approve the Item. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:39 p.m.

Ended: 5:46 p.m.

Item #1.3

Rezoning:

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

Mr. Jaime Acevedo went over the write-up stating the subject site is located on the east of Troser Rd. about 1500’ north of W. 2 Mile Rd.

SURROUNDING ZONES: N: AO-I – Agriculture Open Interim
E: R-2 Duplex Fourplex Residential
W: P - Public
S: R-2 Duplex Fourplex Residential

EXISTING LAND USES: N: Agricultural
E: Residential
W: Escobar/Rios Elementary School
S: Agricultural
Site: Mixture of Commercial & Multi-Family

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. This property was recently rezoned from AO-I to R-2 and a portion to C-2. However, when the engineer went on site to work on surveying the property, they determined that extending the C-2 to the east 21.50' was the best option for the subdivision plat based on the existing conditions. Thus, an extension of the existing C-2 zoned area is needed. This rezoning will simply extend the existing C-2 zoning an additional 21.50' to the east and 87.33' north and south.

RECOMMENDATION: Approval.

Mr. Acevedo explained the Applicant originally omitted this section in his prior rezoning, but is need to rezone this small tract for a need road to the site location.

Chairman Sheats asked if there were any questions or comments from the commissioners.

Mr. Acevedo further explained this is basically just an adjustment to the site location.

Chairman Sheats asked if there was any audience opposition.

Mrs. Irma Leo and Mrs. Pena expressed their concern about not receiving proper notification.

Mr. Acevedo clarified the current code now affords notification to property owners at a 500' radius rather than a 200' foot radius which is why both ladies did not receive prior rezoning notification.

Mr. Carlos Lopez moved to approve the rezoning as per staff's recommendations. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:46 p.m.

Ended: 5:51 p.m.

Item #1.4

Conditional Use Permit:

Sale & On-Site Consumption of Alcoholic Beverages

Wichito's Buffet & More

302 W. Griffin Parkway, Suites A & B

All of Lot 2, Storage Depot Subdivision

C-3

Wichito's Buffet & More, LLC

Mr. Jaime Acevedo went over the write up stating the establishment is located approximately $\frac{1}{4}$ west of Conway along the north side of Griffin Parkway (F.M. 495). The applicant is proposing to add the sale of wine to their buffet restaurant shop located within a commercial plaza.

- **Hours of Operation:** Monday through Sunday from 11:00 am to 12:00 am.
- **Staff:** A total of 6 employees will man the operation during different shifts.
- **Parking:** The subject site shares use of common parking for the commercial plaza within Storage Depot Subdivision. There are 47 parking spaces, meeting 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 no residences within this radius.

We did send 26 notices to residents within a 500' 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; and
2. Parking lot to be restriped.

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

There was none.

Chairman Sheats inquired as to Staff looking into another ADA parking space within the complex other than what was indicated.

Mr. Acevedo explained to the commissioners all ADA parking requirements will be addressed.

Mr. Luis Juarez and Mr. Raul Santiago, representatives for the Applicant were able to answer any questions the board might have.

Chairman Sheats wanted to make sure the Applicant is aware of the Staff recommendations as well as the additional ADA parking space request.

Mr. Raul Santiago stated the applicant understands and will get this done.

Chairman Sheats asked if there was any audience opposition.

There was none.

Mrs. Raquanel Austin moved to approve the conditional use permit as per staff's recommendations, and to include additional ADA parking space. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:57 p.m.

Item #1.5

Conditional Use Permit:

To keep a Portable Building for
an Auto Sales Office Use
1418 E. Business Highway 83
Lot 1, Lemon Tree Plaza Subdivision
C-3
J. Sanchez Motors

Mr. Jaime Acevedo went over the write-up stating the subject site is located at the SW corner of Lemon Tree and Business Highway 83. This CUP was approved on February 13, 2017 for one year. However, the applicant did not open his business until September, 2018 and is up for reconsideration. The applicant operates a used auto lot and is seeking to keep the 15' x 8' portable building to be used as an office for a used car lot. The applicant plans for this portable building to be used on a temporary basis as the applicant plans on constructing a permanent structure in the near future. The portable is setback approximately 90' from the property line which allows for the front area to be utilized for customer parking and for the display of vehicles being sold. Access to the site will be off of Business Highway 83.

- **Hours of operation:** Monday – Friday from 8:00 a.m. to 6:00 p.m., Saturdays from 8:00 a.m. to 3:00 p.m., and closed on Sundays.
- **Staff:** 2-3 employees will run this operation.
- **Parking:** A business office of this size requires a minimum of 4 parking spaces. There are 37 parking spaces that can be used for staff/customer parking and the displaying of used autos.
- **Landscaping:** There is landscaping in the front of this establishment and along the side fronting Lemon Tree which meets landscaping requirements.

REVIEW COMMENTS: Staff knows that having a portable sales office along Business 83 may not be a long-term desire of the City when considering aesthetics along a major corridor. While it is not common to have a portable sales office for this type of business, Staff does not object since the use will be temporary after which an on-site structure will be built. The portable being setback from Business 83 will also help lessen the portable's visibility from Business 83.

RECOMMENDATION: Approval subject to a 3-year re-evaluation or once the permanent structure is constructed and maintenance of landscaping along Business Highway 83.

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

There was none.

Chairman Sheats asked how long the portable building has been there.

Mr. Acevedo replied, "At least one year. This is a renewal, as you recall, the applicant added skirting and made some other improvements to the site location."

There was discussion between Chairman Sheats and Staff.

Chairman Sheats stated there has been ample time for the applicant to place a permanent structure prior to this renewal. He is not inclined to move for three year approval and would like to only give one year approval on this conditional use permit renewal.

Chairman Sheats asked if the applicant was present.

The applicant was not present.

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

There was none.

Mr. Jaime Gutierrez moved to approve the conditional use permit for a period of one year. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 6:04 p.m.

Item #2.0

**Preliminary & Final
Subdivision**

Anzalduas Industrial Business Park
A 55.646 acres out of Lots 10-5, 10-6, 11-5,
and 11-6, West Addition to Sharyland
Subdivision

I-1

Developer: Jesus Cabello
Engineer: Mario Salinas, MAS Engineering,
LLC.

PLAT DATA: The proposed subdivision is located at the NW corner of Conway Boulevard and Military Parkway intersection. The developer is proposing 24 industrial lots.

VARIANCE: The developer is proposing the temporary usage of On-Site Sewage Facilities on Lot 1 until the City of Mission extends sewer services to this area. All of the remaining lots will be on City sewer and will remain vacant until services are available. Lot 1 will also abandon the use of the proposed septic system and connect to City sewer services when made available.

WATER: There is currently a 12" waterline on the along the west side of Conway Boulevard. 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: If variance is approved, the developer is proposing the temporary use of on-site sewage facilities until City services are extended. The subdivision will have internal 8" sewer lines pre-installed during the subdivision phase and will be connecting to City services when available.

STREETS & STORM DRAINAGE: The subdivision has access to Military Parkway, a future 120' ROW, 81' B/B Street. There is no additional ROW needed at this time along Military Parkway. The subdivision consists of a series of internal streets with a 60' ROW and a 43' B/B paved streets. Storm drainage is accomplished through a series of 24" storm lines which will connect into the TXDOT inlet located at Conway. The TXDOT drainage system runs north along Conway and discharges into Mission Inlet Drainage 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 sewer capital recover fees in the amount of \$750/acre which equates to \$41,734.50

Must provide a street light plan for review by staff.

RECOMMENDATION

Approval subject to:

1. Payment of sewer capital recovery fees
2. Abandonment of septic system and connection to City sewer system when available
3. Water district exclusion
4. Comply with all other format findings

Mr. Jaime Acevedo added that there is a variance request with this plat being that there is no sewer service the applicant is asking for Lot 1 which is the larger of all the lots to be on septic tanks. The intention is to build a tomato processing plant at this location and have agreed on a design to this area so as to hook up to City sewer when the City extends the lines to this particular location. The other lots will not be built out at this.

Chairman Sheats asked if the applicant was available.

Mr. Mario Salinas, MAS Engineering was available to answer any questions the board might have.

Chairman Sheats expressed his gratitude of the property being developed. His concern would be the drainage at the site location. He asked for further clarification on the variance.

Mr. Jaime Acevedo explained that Lot 1 would be built out on septic until such time the City expands the sewer to that area.

Mr. Mario Salinas addressed the drainage issue stating, "Storm sewer is not an issue due to a big detention that already exists on the property. There is also a site plan to build warehouses, and they will be built much higher than the natural ground at least a minimum of 4 feet."

Mr. Jaime Gutierrez moved to approve the subdivision plat as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

There was no other business.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:05 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission