

PLANNING AND ZONING COMMISSION
DECEMBER 12, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Marisela Marin
Carlos Lopez
Hector Moreno
Diana Yzaguirre

P&Z ABSENT

Raquenel Austin
Jaime Gutierrez

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Maribel Quintanilla
Maribel Quintanilla
Chief Robert Dominguez
Gilbert Dillard
David Fuentes

GUESTS PRESENT

Pat Hood
Sandy & Jack Berg
Maggie & Martin Barreiro
Christine M. Roldan-Shinn
Karen Babineaux
Daryl Mercer
Margaret & Terry Troemel
Steve Hagerty
Jim Dammann
Loris & Olaguer Bauza
Shari Ward
Darlen Schafer
Wade Wiese
Don Neva
Lloyd Gath
Noelia A. Trevino
Janice Sneen
Thomas F. Clinton
Kay Wolf
Richard McMaken
Dave Dreher
Wendy & John Hill
Thomas Morgan
Gloria A. Gonzalez
Josue A. Esparza
Mary & Ed Thomas
Elizabeth Ebner
Connie Garcia
Linda & Paul Hamm
Ann & Eugene Jetvig
Larry & Kathy Griffin

Mary Schleif
Jean Ruppel
Elda Rodriguez
Amanda M. Shinn-Roldan
Terry McKenna
Wayne Maki
Richard & Donna Briski
Jim & Darlene Kowalke
Linda & Mitchael P. Poirier
Arnold Beeler
Lionor Frias
Beverly Miller
Faye & Steven Wood
Jennie Pitlick
Berince & Russ Patterson
Larry Wilson
Robert & Sharon Smage
William D. Anderson
Rogelio Diaz, Jr.
Karen Neilsen
Harold Wood
Barry & Helen Lyons
Greg Long
Tammy & Frank Huntley
Richard Shinn
Luis Calderon
Joseph E. & Lori K. Ertman
Carlos Blanco
Linda Schmitt
Julie A. Reedy
Jim & Kathy Pharr

Pete Clap
Jim Krohs
Hector Rodriguez
Robert Babineaux
Bruce Ebner
Emy Jurasin
Abel Oliva
Roger & Debra Klaustermeier
Cindy Villarreal
Charles Perrine
Maureen D. Mark Adams
Fern Fisher
Red & Sand Goudge
Dorothea Brightman
Dianna Williams
Michael & Elizabeth Crawford
Terry Decarie
Robert W. Norrgard
Connie & Bob Metzger
Terri Miller
Greg Giere
Shiela Rederick
Miguel A. Nevarez
Thomas McNamard
Carol & Denis Pereux
John Gaytan
Jeronme A. & Marcia L. Miller
Ted Wand
Gary & Renee B. Bethke
Diane Norrgard
Ron Fowls

Mike Manuel
Ismena Garcia
Jeese Ruiz
Neil R. Kohl
Richard Paddock

Nick Blackford
Bill Filut
Patricia West
Lisa Rivera

Catherine & Dominic Raftery
Juan P. Quintanilla
Mary Chavez
Paul Hass

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:34 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR NOVEMBER 14, 2018

Chairman Sheats asked if there were any corrections to the minutes for November 14, 2018. Mr. Carlos Lopez moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:48 p.m.

Item #1.1

**A 60.850 acre tract of land out of
Lot 14-, 14-2, 15-1, 15-2, and 16-2,
West Addition to Sharyland Subdivision
PUD (AO-P) to PUD (R-1)
Olague Bauza**

Started: 5:34 p.m.

Ended: 5:48 p.m.

Item #1.2

Rezoning:

**A 26.335 acre tract of land out
of Lot 16-1 and Lot 15-1,
West Addition to Sharyland Subdivision
PUD (AO-P) to PUD (R-1)
Olague Bauza**

Mr. Jaime Acevedo stated that he would like to considered item 1.1 & 1.2 together since it was the same applicant and location. Mr. Acevedo stated that item 1.1 was identified in the map as Meadow Creek holes #1-5 of the Mission West golf course and Item 1.2 was identified as Meadow Creek holes #6-9 of the Mission West golf course. He added that in both request they were proposing to rezone from PUD(AO-P), which was agricultural open permanent to PUD(R-1), which is single family residential.

Mr. Acevedo briefed the Board and citizens with a little history on Meadow Creek. He mentioned that initially the Meadow Creek PUD was not part of the City it was within its ETJ (Extra-territorial Jurisdiction) but it was outside the City limits. Mr. Acevedo mentioned that in the mid 80's a request was made by the developer of Meadow Creek to the City to incorporate the Meadow Creek PUD into their city limits. Mr. Acevedo stated that the request was approved. He mentioned that during his research he learned that the City never formerly approved a planned unit development however, the City did incorporate the Meadow Creek area as a PUD. He added that originally intent was to rezone the entire golf course, which is holes 1 -18 into R-1 (single family residential) this item was supposed to be seen back in November. Mr. Acevedo stated that in talking with the Bauza's back in November they amended their rezoning request to consider only holes #1-9 as residential and keep holes #10-18 as a golf course, which is what was being send out in the notice. Mr. Acevedo added that during the transition he has met with several residents of Meadow Creek and they were requesting some assurance that Mr. & Mrs. Bauza would leave green areas. After conferring with our City Manager & City Attorney his suggestion to Mr. & Mrs. Bauza was to take no action on these items and carve out the areas they want to leave as green areas and not include it as part of the rezoning request. He mentioned that he advised the Bauza's that they needed to hire a surveyor to carve out the legal boundaries and provide us with a new legal description of what the new consideration was going to be. Mr. Acevedo stated that it started off as the entire golf course, then amended to only 9 holes only and now further reduce the area for rezoning all of these is in the best interest of the residents in Meadow Creek.

No action taken on Item 1.1 & Item 1.2.

Started: 5:49 p.m.

Ended: 5:53 p.m.

Item #1.3

Conditional Use Permit:

Texas Citrus Fiesta Fun Fair

807 N. Conway Avenue

(aka Leo Pena Placita Park & The Rotary Park)

C-3

January 26, 2019

Texas Citrus Fiesta

Mr. Acevedo went over the write-up stating that the site for the Texas Citrus Fiesta 'Fun Fair' will be located at Leo Pena Placita Park. Texas Citrus Fiesta organizers will be having their annual 'Fun Fair' event on January 26, 2019. The fun fair will include various vendors, Vaqueros' cook-off and other food vendors. There will be continued trash pick-up throughout the event.

- **Hours of Operation:** 10:00a.m. to 10:00p.m.
- **Parking:** Parking for this event will be provided both onsite and from within Central Business District.
- The Zoning code requires the 'Fun Fair' to be a minimum of 300' separation from residentially used property from lot line to lot line. There are several residential

properties within this radius; thus, a waiver of the separation requirement needs consideration.

- **Ch. 10 – Amusements and Entertainment:** Security will be evident as in past events via Mission PD officers (as hired by TCF). Restrooms will be available. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment– will need to be complied with.

REVIEW COMMENTS: With sufficient professional security, barricades, lighting, & TCF monitoring, this event will again be very successful and well attended. TCF has assured the City that all aspects of security will be taken care of.

RECOMMENDATION: Staff recommends approval subject to: 1) Waiver of the 300' separation; 2) Must comply with Health and Fire Codes; and 3) Must meet Noise, Amusement and Entertainment, and any other related codes.

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

Mr. Bill Filut, President of the Texas Citrus Fiesta Board was present to address any questions from the Board. He assured the Board that they would comply with all of staff's recommendations including security and clean up.

There being no further discussion, Ms. Diana Izaguirre moved to approve the conditional use permit as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:54 p.m.

Ended: 5:57 p.m.

Item #1.4

Conditional Use Permit:

Texas Citrus Fiesta Carnival

200 N. Shary Road

**Being approximately 7.32 acres out
of Lot 185, John H. Shary Subdivision
C-3**

January 13-2019 through January 28, 2019

Texas Citrus Fiesta

Mr. Acevedo went over the write-up stating that the subject site is located 1000' east of Shary Rd. along the north side of Victoria Avenue. Texas Citrus Fiesta organizers have been given permission to have their annual carnival on the vacant lots of the Mission Event Center Subdivision. They wish to set up on 1-13-2019 to 1-16-19 and have the carnival from 1-17-19 to 1-28-19. They will then take down the carnival on the 31st.

- **Hours of Operation:** Weekdays 5:30p.m. to 10:30p.m. and Weekends 1:00p.m. to 11:30p.m.
- **Parking:** Parking for the event will be provided onsite. Staff encourages that "No Parking" signs be placed along Victoria Avenue and that there be early morning

trash pick-up throughout the entire site during the “Heart of America Shows” Carnival’s tenure.

- The Zoning code states that a carnival site should be a minimum of 300’ away from any residentially used property from lot line to lot line. This CUP is compliant to this Code, i.e., there are no homes within 300’.

REVIEW COMMENTS: Security will be evident as in past years via Mission PD officers (as hired by TCF) and sufficient restrooms will be available. All provisions of Chapter 10 – Amusements and Entertainment– will need to be complied with, in particular the insurance coverage requirements for such amusements.

RECOMMENDATION: Staff recommends approval subject to: 1) Installation of a perimeter fence/debris stop; 2) Installation of “No Parking” signs along Victoria Avenue and other boulevards; and 3) Meet Noise, Insurance, and any other related Codes.

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

Mr. Bill Filut assured the Board that they would comply with all of staff’s recommendations including security and the clean-up. Mr. Filut introduced Ms. Lisa Rivera who is taking the place of BB Pena who was in charge of the Texas Citrus Fiesta.

Chairman Sheats asked if there were proposing to have fencing between the existing businesses.

Mr. Filut replied, “Yes”. He added that their fencing would be across Raising Canes, IBC Bank and Panda Express.

Chairman Sheats mentioned that he didn’t want them to have any problems in regards to parking with the existing businesses.

Mr. Filut mentioned that the carnival had their own valet parking any other vehicles would be towed away. He introduced Ms. Lisa Rivera who is taking the place of BB Pena.

There being no further discussion, Mr. Carlos Lopez 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: 5:57 p.m.

Ended: 6:10 p.m.

Item #1.5

Conditional Use Permit:

**Home Occupation – Gunsmithing Operation
503 Olmo Street
Lot 71, Bouganvilla Estates**

**R-1
Rogelio Diaz**

Mr. Acevedo went over the write-up stating that the subject site is located 500' south of Mile 1 South along the east side of Olmo Street. The applicant has his SF residence thereon with paved driveway access off of Olmo Street. A field visit revealed that there is a 17' wide driveway leading to a two-car garage. Mr. Diaz desires a CUP for a home occupation for a gunsmithing operations from his residence. Mr. Diaz has 10 years of gunsmithing experience and is proposing an office and workshop within his garage as his area of business. The applicant will have a gun safe inside of his office and the residence also has a monitored alarm system.

- **Days / Hours of operation:** Monday – Friday from 10:00a.m. to 5:00p.m. and Saturday through Sunday by appointment only
- **Staff:** Mr. Diaz is the only person running the operation
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regs.)

REVIEW COMMENTS: Mr. Diaz is in the process of obtaining a Federal Firearms License (FFL) which would allow him to work on firearms for others. However, before Mr. Diaz is issued an FFL license, he is required to have approval from the City for a home occupation. We have approved other FFL license dealers in the past for the sale of firearms but never for a gunsmithing home occupation.

According to federal law, a person who “...devotes time, attention and labor to engaging in such activity...with the principal objective of livelihood and profit...” is defined as a “Gunsmith”, qualifies as a “Dealer” under the definition, and is required to be licensed as “Dealer in Firearms”. Although the gunsmith may have no interest in “dealing” in firearms or becoming licensed as an FFL, the law requires it.

RECOMMENDATION: Approval subject to: 1) 1-year re-evaluation, 2) compliance with Fire Marshal’s recommendation of having a solid door (fire-rated), 3) comply with Sect. 1.56-1 of the Zoning Ordinance, 4) must acquire a business license, 5) home occupation be limited to gunsmithing only, the sale of firearms from this location is prohibited, and 6) there can be no live rounds fired from property.

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

Mr. Rogelio Diaz who resides at 503 Olmo Street was present to address any questions from the Board.

Mrs. Marin asked who would monitor the applicant.

Mr. Acevedo replied that everything was monitor through the ATF office.

Mr. Diaz mentioned that everything had to be logged in before he actually starts working on any item.

Mrs. Marin stated that she understands that Mr. Diaz only wanted the gunsmith services his license would allow him to do more like sell firearms.

Mr. Diaz added that all he was trying to do is work with Shooters Alley & Point Blank.

Ms. Izaguirre suggested re-evaluation to be in 6 or 3 months instead of 1 year in order to address Mrs. Marin concern.

Chairman Sheats asked if the ATF could alert the City.

Mr. Acevedo stated that they couldn't but the City could check with them to make sure there weren't any violations.

Chairman Sheats asked where would be check his firearms to make sure they were working properly.

Mr. Diaz stated that he would go to a shooting range to check them. He added that in his home he was only cleaning and repairing them.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to deny the request. Motion died in lack of a seconded. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation but for a 3-month re-evaluation and that there be no testing with live ammunition. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously 4-1 with Mrs. Marisela Marin dissenting.

Started: 6:10 p.m.

Ended: 6:14 p.m.

Item #1.6

Conditional Use Permit:

Home Occupation – Freight Dispatching Services

4206 San Gabriel St. Apt. 7306

Lot 2, Sharyland Plantation Grove #6

PUD

Importx, LLC (Luis Calderon)

Mr. Acevedo went over the write-up stating that the subject site is located ½ mile east of Shary Road along the south side of San Gabriel within the San Pedro Apartments at Sharyland Plantation. The applicant would like to operate a freight dispatching office from his residence. All business is done online and his operation will operate from a computer from within his dining room. If approved, there will be no outside traffic generated via this CUP.

Hours of Operation: Monday – Friday from 8:00 a.m. to 7:00 p.m. and Saturday— Sunday from 8:00 a.m. to 3:00 p.m.

Staff: The applicant will run the logistics business.

Parking: Parking is held in common at this multi-family complex. However, there will be no additional outside traffic generated via this online only business.

REVIEW COMMENTS: According to the applicant the business will be solely online and will not add any traffic or customers that will be entering or leaving the property. The San Pedro Apartments management company has allowed the home occupation as long as the operation is online only and there is no interaction with outside employees, customers, drivers, or any other logistics related personnel. Since the business will administrative and online in nature with no traffic, Staff does not object to the home occupation.

RECOMMENDATION: Staff recommends approval subject to: 1) 1-year re-evaluation in order to assess the business; 2) Compliance with Sect. 1.56-1 of the Zoning Code (Home Occupations); 3) No signage permitted on the home larger than a 1’x1’ name plate; and 4) Acquisition of a business license.

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

There was no opposition.

Mr. Luis Calderon who resided at 4206 San Gabriel Apt. 7306 was present to address any question from the Board.

There being no further discussion, Mrs. Marisela Marin 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: 6:14 p.m.

Ended: 6:17 p.m.

Item #1.7

Conditional Use Permit:

Drive-Thru Convenience Store – Las Palmas #5

1401 N. Conway, Suite B

Lot 8, Block 230, Mission Original Townsite

C-3

Las Palmas Meat Market, Inc. (Norma De La Rosa)

Mr. Acevedo went over the write-up stating that the subject site is located on the NW corner of 14th St. and Conway Avenue. The applicant is proposing to lease a 22’ X 32’ (704 sq.ft.) drive-thru convenience store adjacent to Optima Tires. An existing 24’ drive provides access off of 14th St., which leads to a 12’ drive thru lane which then exits out to Conway. There is existing stacking for approximately 6 vehicles. The latest CUP at this location was approved on 4-13-15 for a life of use period. The new applicant

operated four other drive-thru businesses throughout the Rio Grande Valley and wishes to be considered for a drive-thru CUP at this location.

- **Days / Hours of operation:** Monday through Friday from 10a.m. to 12a.m., Saturday from 10a.m. to 1a.m., and Sunday from 11:00a.m. to 12a.m.
- **Staff:** 4 employees
- **Parking and Landscaping:** In viewing the floor plan, the building equates to 704 sq.ft., which requires a minimum of 5 parking spaces. There is also an existing tire shop (requires 7 spaces), a proposed carwash (requires 4 spaces), and an existing water dispensing unit (requires 4 spaces) for a total of 20 spaces. The applicant is providing 20 parking spaces, thus compliant to code. The applicant currently has several trees and plants on the site.

REVIEW COMMENTS: A drive-thru business has been in operation at this location since 2012. We did receive one call from an abutting residential neighbor who expressed concerns of loose debris from the drive-thru business. Staff has alerted the new applicant of the neighbors' concerns so that special attention is given to the loose trash situation.

RECOMMENDATION: Staff recommends approval for 1 year to access the new operator, monitor that loose debris issue and all business operations to cease at midnight.

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

There was no opposition.

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

Started: 6:17 p.m.

Ended: 6:29 p.m.

Item #1.8

Conditional Use Permit:

**To Designate an Area as a Mobile Food Park
For Operation of Mobile Food Units
1805 W. Mile 2 Road
A 2.80 acre tract of land, more or less, out of
Lot 28-1, West Addition to Sharyland Subdivision
C-3
Juan Quintanilla**

Mr. Acevedo went over the write-up stating that the subject site is located on the SE corner of W. Mile 2 Road and Inspiration Road. The applicant is proposing a mobile food park to offer food truck owners the opportunity to sell their products on a

commercial space with paved parking, restrooms, and all the utilities necessary to hook up a mobile food truck. Recently, a similar CUP was approved by the PNZ on November 14, 2018 at the CEED/5x5 Brewing Company facility. If approved, based on the current ordinance, each mobile food truck operator would still need to apply for their own CUP to operate within the mobile food park.

- **Parking:** The applicant is proposing 32 parking spaces for the 8 mobile food trucks, 4 per unit which meets code.
- **Hours of Operation:** The hours of operation will be from 6:00 am to 10:00 pm weekdays and 6:00 am to 12:00 midnight on weekends.
- **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, and that each mobile food unit obtain a CUP and business license with the City of Mission.

RECOMMENDATION:

Staff recommends approval for 2 years to access this new operation.

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

There was no opposition.

Mr. Juan Quintanilla who resides at 2400 San Alejandro was present to address any questions from the Board.

Chairman Sheats asked what is the parking requirements for mobile food units.

Mr. Acevedo stated that there was no parking requirement set for mobile food units but they followed the same parking requirements for commercial buildings which was 1 parking space for every 3 seats or 4 parking spaces for the 400 sq. ft. each additional 400 sq.ft. required another space whichever is greater.

Chairman Sheats asked if the restrooms could be relocated.

Mr. Acevedo replied, "Yes".

Ms. Izaguirre recalled that this property was originally proposing a commercial plaza.

Mr. Acevedo stated that she was correct, although Mr. Quintanilla was only working on ½ of the property he still had about 200' to work with in the future.

Chairman Sheats asked if everything that he was proposing to utilize for the mobile food units would be asphalt.

Mr. Quintanilla replied, "Yes".

Ms. Izaguirre asked if they were going to be connected to City sewer.

Mr. Acevedo stated that when they widened Mile 2 Road they left it ready so they could connect to city sewer.

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 but for only 1 year and to be in compliance with the landscaping requirements and relocation of the restrooms. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:29 p.m.

Ended: 6:378 p.m.

Item #1.9

**Conditional Use Permit: Kona Ice Mobile Food Unit
 Various Commercial, Public, Institutional Sites
 Jesse Ruiz**

Mr. Acevedo went over the write-up stating that the applicant is proposing the use of a mobile food unit that would sell shaved ice when solicited. Mr. Ruiz has purchased into the Kona Ice franchise and is the sole authorized vendor for the Mission area. However, in order to operate his business a CUP needs to be considered. Mr. Ruiz has alerted staff that he will not have a fixed site nor will he be driving around the streets of Mission. His business will operate solely upon request and will be strictly for fund raising events. Mr. Ruiz intends to help local organizations such as public schools, charter schools, religious organizations, day care facilities, and other non-profit organizations such as boys and girls club. He would set up at their locations and a portion of the sales will be donated to the host partner. The hours of operation and location would vary depending on the organization partnering with Mr. Ruiz.

- **Staff:** Mr. Ruiz and 1 part time employee
- Must comply with building, fire, and health codes.
- Must acquire a business license
- Cannot operate from a residential zone

REVIEW COMMENTS: The portable food trailer is more appealing than others within the City, however this is the first time that a CUP would be given to a food truck without a home base.

RECOMMENDATION: Staff recommends a 1-year approval subject to: 1) Cannot operate from a residential zone, 2) Must have written consent from local organization prior to conducting business, 3) Must comply with the Building, Fire, and Health Codes, 4) Must acquire a new Business License, and 5) No chairs or tables are permitted outside.

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

Mr. Jesse Ruiz was present to address any questions from the Board.

A brief discussion continued amongst the board regarding as to whether this type of units would require a conditional use permit or just a health permit.

Chairman Sheats stated that with a conditional use permit they at least had a little control on this type of units.

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

Started: 6:37 p.m.

Ended: 6:41 p.m.

Item #2.0

**Homestead Exemption Variance: 6.03 acre of land out of the 6.83 acres of Lot 11, Del Monte Irrigation Company Land in Porcion 51
1100 S. Schuerbach Road
AO-I
Hector Rodriguez**

Mr. Acevedo went over the write-up stating the subject site is located along the west side of Schuerbach Road about ½ mile south of Mile 1 South Road. The flag shaped lot has a total of 6.03 net acres. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

WATER - The applicant is proposing to connect to an existing 8" water line located along Schuerbach Road to provide water service to the lot.

SEWER – There are no sewer lines within the area so the applicant will be required to be on a sanitary sewer system. It is noted that the property exceeds the minimum requirements for sewer services. The capital sewer recovery fee is waived via the HVE.

STREETS & STORM DRAINAGE - The subject site has frontage to Schuerbach Road, which has an 80' ROW with a 65' B/B paved street. The applicant must provide an addition 20' of ROW for the widening of Schuerbach Road.

OTHER COMMENTS

- Must comply with Model Subdivision Rules;

- Must dedicate water rights;
- The street light requirement is also waived via the HEV.
- The park fees are also waived

RECOMMENDATION: Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

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

Mr. Hector Rodriguez was present to address any questions from the Board and made a correction on the address he stated that it should be 1100 S. Schuerbach Road.

Mr. Acevedo mentioned that staff would correct the address before it was seen by the City Council.

There being no further discussion, Ms. Diana Izaguirre moved to approve the homestead exemption variance as presented. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:41 p.m.

Ended: 6:44 p.m.

Item #3.0

Request by Martha Sanchez to have P&Z waive the 6-month waiting period in order to reconsider a change of zone for a tract of land containing 0.94 of an acre, more or less and being 0.19 of an acre, more or less out of Lot 21-9, West Addition to Sharyland Subdivision and 0.75 of an acre being 1.0 acre out of the Southwest ¼ of Section 19, La Lomita Subdivision now Lot 21-9, West Addition to Sharyland Subdivision of Porciones 53-57, less and except 0.25 of an acre

Mr. Acevedo went over the write-up stating that the subject near the E. 12th Street/Highland Park Avenue intersection. On November 19, 2018, the Planning & Zoning Commission voted to approve a change of zone from R-2 to R-3 with City Council later denying the request on November 13, 2018.

Mrs. Martha Sanchez is now requesting that the Planning & Zoning Commission consider a new rezoning request from R-2 to R-3. Since this property that has undergone the rezoning process within the last six months a waiver is required.

Section 1.26. Applications for Zoning Changes (2.) of the Zoning Code reads as follows:

“No zoning change applications shall be considered on any parcel more than once in any six month period of time unless approved by the Planning & Zoning Commission.”

In our assessment, staff does not object to Mrs. Sanchez’s request since:

- The applicant was presented with a family emergency on the day the rezoning request was presented to City Council on November 13, 2018. Because of this family emergency, the applicant was not able to present their request to City Council.

In this regard, Staff does not object to the Mrs. Sanchez's waiver.

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

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the 6-month waiver as per staff's recommendation. Mrs. Marisela Marin 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, Ms. Diana Izaguirre moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:45 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission