

**PLANNING AND ZONING COMMISSION
MARCH 27, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Hector Moreno
Javier Barrera
Ruben Arcaute
Raquenel Austin

P&Z ABSENT

Debra Lee Alvarez
Jose Luis Morin

STAFF PRESENT

Jaime Acevedo
Maribel Quintanilla
Joel Chapa, Jr.

GUESTS PRESENT

Roxanne Mendez
Rogelio Sanchez, Jr.
Robbin Salas
Martha Sanchez

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:38 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 27, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 27, 2019. Mrs. Raquenel Austin moved to approve the minutes as presented. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Jaime Acevedo introduced New Planning & Zoning Board Member Ruben Arcaute who is replacing Mr. Ned Sheats.

Started: 5:38 p.m.

Ended: 5:41 p.m.

Item #1.1

**Conditional Use Permit: To place 2 portable Buildings for Office Use
on property zoned AO-I to be used in conjunction
with a Construction Materials Storage Yard
11-acre tract of land situated in Portion No. 55,
and being out of and part of Lot 13-6, West Addition
to Sharyland Subdivision
AO-I
VMK Materials, LLC (c/o Victor Garza)**

Mr. Acevedo went over the write-up stating that the property is located approximately 1 mile south of U.S. Expressway 83 along the west side of Conway Boulevard (S.H. 107).

The irregular site measures a total of 11 acres. The applicant is requesting a CUP for the installation of two portable building that will be used for office use in an Agriculture Open Interim (AO-I) district. Section 1.361(3) (m) cites that a CUP may be issued on **'other uses which, as determined by the planning and zoning commission, are not contrary to the purposes established for this district'**.

VARIANCE REQUEST: The proposed storage yard is in an area where there are no immediate sewer services within a reasonable distance. The applicant is requesting that the use of an individual on-site sewage facility (OSSF). Since this CUP is for a time frame of 2-3 years, Staff does not object to the use of a septic system at this location. However, if the City does extend sewer services to this area, we would like a condition of approval to be that the applicant tie into those services.

REVIEW COMMENTS: If approved, the 2 portable buildings will be used for a maximum of 3 years. An outside contractor will be using this site for a storage yard of building materials for a period of 2-3 years. Once their project is complete or contract expired, they will be clearing out the 11-acre site. The property owner has cleared the area and installed caliche to the entire facility. They plan on installing a chain link fence throughout the perimeter. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has received no calls or letters in opposition of this request.

RECOMMENDATION: Staff recommends an approval subject to: 1) The installation of a rock pit leading into the facility off Conway; 2) Approval of variance request for septic system with condition that they abandon septic system and connect to City sewer services are made available; and 3) Re-evaluation of this CUP in 1 year to assess this new operation.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or in opposition to this request.

There was none.

There being no further discussion, Mr. Ruben Arcaute moved to approve the conditional use permit request as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:43 p.m.

Item #1.2

**Conditional Use Permit Renewal: Sale and On-Site Consumption of Alcoholic Beverages – Catholic War Veterans Post 1065
901 N. Slabaugh Avenue
(aka: 500 W. Business Highway 83)
Lots 7-10, Block 150, Mission Original Townsite
C-4**

Catholic War Veterans

Mr. Acevedo went over the write-up stating that this CUP was recently renewed by P&Z on 2-24-16. The 4,800' sq. ft. lounge is located on the NW corner of Business 83 and Slabaugh Ave.

- **Hour of Operation:** Monday - Friday from 4p.m. to 12a.m. and Saturdays from 6p.m. to 12a.m. (if rented)
- **Parking and Landscaping:** There is sufficient parking, existing landscaping, and existing sidewalks.
- **Sale of Alcohol:** Section 1.56-3 cites that 'lounges' must be 300' from the nearest residence, church, school or publicly owned property. The City of Mission's main Fire Station is located within 300' of the CWV; however, P&Z and the Council waived this separation requirement in the CUP's original approval in 2003.

REVIEW COMMENTS: There have been no complaints forwarded to the Planning Department in regards to the sale and on-site consumption of alcohol.

RECOMMENDATION: Staff recommends approval subject to: 1) Waive the 300' separation requirement as done in the previous CUP; and 2) a 3-year re-evaluation in order to continue to assess this operation.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or in opposition to this request.

There being no further discussion, Mr. Javier Barrera moved to approve the conditional use permit request as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:52 p.m.

Item #2.0

Site Plan Approval:

Construction of 15 Apartments

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 acres out of the Southwest $\frac{1}{4}$ 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

R-3

Martha Sanchez

Mr. Acevedo went over the write-up stating that the property is located near the SW corner of E. 12th Street and Highland Park Drive. The site plan approval is required prior to permit issuance for multi-unit complexes of five or more.

In reviewing the site plan, there is a combination of 1- and 2-bedroom single story buildings that make up the 15-unit multi-family apartment complex. The applicant is proposing 9 two-bedroom units that each has approximately 906 sq. ft. of living area and 5 one-bedroom units with 620 sq. ft. of living area each. The building must comply with all fire code requirements for a multi-family complex. This will be a gated community with a public recreational area for tenant use at the NW corner of the property.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 6' side setbacks. It is noted that all setbacks are in compliance.

The primary access will be to Highland Park Drive. There is a secondary access to the public alleyway. With regards to parking, the site plan shows 33 parking spaces. For a multi-family building of this size the City Code requires 30, therefore exceeding code by 3. Two large trash dumpsters are proposed along the public alley. Staff will work with our City Sanitation Department to ensure that the proposed dumpster locations are adequate for a front-loading trash truck. The dumpsters must also be screened with cedar or block fence with gates.

This development will have 4' sidewalks along Highland and with the interior perimeters. Ten percent landscaping will be required with a combination of trees, plants, and shrubs. Parking light poles are required after every 10 parking spaces in all parking areas within islands or peninsulas.

The Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 6 one-bedroom units x \$70/Unit = \$420 and 9 two-bedroom units x \$120/Unit = \$1,080.00. Staff also noted that park fees were not pre-paid during the subdivision process. The park fees are \$500/Unit x 15 Units = \$7,500.

RECOMMENDATION: Staff recommends approval subject to:

- 1) The submittal of grading and detention plan to our City Engineer;
- 2) Compliance with landscaping and parking light pole requirements as noted above;
- 3) Compliance with all building and fire codes;
- 4) Compliance with front loading requirements of trash dumpsters; and
- 5) Payment of capital sewer and park fees.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or in opposition to this request.

Mr. Acevedo did mention that the park fee should be \$300 dollars because it was submitted prior to the present changes.

Chairwoman Izaguirre agreed to Mr. Jaime's recommendation.

Mr. Javier Barrera asked if the alley was going to be paved.

Mr. Acevedo replied “yes”, but he recommended public works to hold off on that because it will just mess up the construction of the apartments.

Mr. Barrera was also concerned about the asphalt not being cover by concrete pad and in the future the city will have problems and who will be responsible for that.

Mr. Acevedo replied that he will bring it up to City Manager and Public Works Director to see how they would want to handle it.

There being no further discussion, Mr. Ruben Arcaute moved to approve the site plan approval request as per staff’s recommendation. Mrs. Raqueneel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:52 p.m.

Ended: 5:55 p.m.

Item #2.1

Site Plan Approval:

Construction of 144 Apartments

Lucksinger Apartments

Lots 89 & 92, Sharyland Orchards Subdivision

R-3

Natalie Padilla

Mr. Acevedo went over the write-up stating that the property is located near the NW corner of Lucksinger Road and Business Highway 83. Site Plan approval is required prior to permit issuance for multi-unit complexes of five or more.

Viewing the site plan, there is a combination of 1 and 2 bedroom 2-Story Buildings that make up the 144 unit multi-family apartment complex. The applicant is proposing 45 one-bedroom units that each has approximately 620 sq. ft. of living area and 98 two-bedroom units with 750 to 800 sq. ft. of living area each. The building must comply with all fire code requirements for a multi-family 2 story building.

The minimum required setbacks for the site will be: 30’ front setback, 15’ rear setback, 6’ side setback, and 10’ corner side setbacks. It is noted that all setbacks are in compliance.

As seen, two 30’ driveways on to Lucksinger that will lead the traffic into and out of the facility. With regards to parking, the site plan shows 297 regular parking spaces. For a multi-family building of this size the City Code requires 288, therefore exceeding code by 9. This number may come down slightly if additional parking islands are required between parking spaces. Three large trash dumpsters are proposed at various areas of the development. The dumpsters must also be screened with cedar or block fence with

gates. Staff will monitor the trash situation and if regulate the amount of pickups required weekly based on the amount of trash that is collected.

This development will consist of 5' sidewalks along all the perimeters. Ten percent landscaping will be required with a combination of trees, plants, and shrubs. A minimum of thirty-one (31) – three (3') inch caliper trees are required to be planted within the green areas. In addition, parking light poles are required after every 10 parking spaces in all parking areas within islands, medians, and peninsulas.

The Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 45 one-bedroom units x \$70/Unit = \$3,150 and 98 two-bedroom units x \$120/Unit = \$11,760.00. Staff also noted that park fees were not pre-paid during the subdivision process. The park fees are \$500/Unit x 144 Units = \$72,000.

RECOMMENDATION: Staff recommends approval subject to:

- 1) The submittal of grading and detention plan to our City Engineer;
- 2) Compliance with landscaping and parking light pole requirements as noted above;
- 3) Compliance with all building and fire codes; and
- 4) Payment of sewer capital and park fees.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

Mr. Jaime Acevedo mentioned that the park fee should be \$300 dollars because it was submitted prior to the fee change.

There being no further discussion, Mr. Javier Barrera moved to approve the site plan approval request as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 6:01 p.m.

Item #3.0

Pre-Final Plat Approval:

**Sharyland View Estates Subdivision
Being a Resubdivision of 28.555 acres
out of Lot 204, John H. Shary Subdivision
R-1
Developer: Domain Development, Corp.
Engineer: Melden & Hunt, Inc.**

Mr. Acevedo went over the write-up stating that the proposed subdivision is located at the SW corner of Shary Road and Business Highway 83. The developer is proposing 99 Single Family Residential and 3 Commercial tracts, all exceeding area requirements.

WATER - The developer is proposing a looped 8" water system to an existing 10" line located along the Shary Road and Business Highway 83 to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction.

SEWER - In regards to sewer, the developer is proposing to connect an 8" sanitary sewer line to a 12" sewer line along Business Highway 83. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 99 lots X \$200.00/Lot = \$19,800.00

STREETS & STORM DRAINAGE: The subdivision has frontage to Business Highway 83 and Shary Road. Shary Road has a future ROW requirement of 120' and Business Highway 83 has a future ROW requirement of 100'. It is noted that the developer is dedicating the additional ROW that is needed on both Shary and Business Highway 83 to comply with the MPO requirements. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the City's construction specifications. 5' sidewalks will be required along Business Highway 83, Shary Road currently has sidewalks. Drainage for the subdivision shall consist of surface runoff from the lots into proposed streets. The north side commercial shall flow north into two proposed drain ditches with an 8-inch bleeder into TXDOT storm drainage system along Business Highway 83. The south side residential area will flow into a proposed drain ditch discharging to the east via an 8-inch bleeder line in to the TXDOT storm drainage system (F.M. 494). The existing City of Mission storm drainage system and the TXDOT drainage storm system (F.M. 494) flows south ultimately discharging into the Mission inlet.

OTHER COMMENTS

Escrow Park Fees (**99 Lots x \$500.00 = \$49,500.00**)

Installation of Street Lighting as per City standards

Exclusion from the Water District

RECOMMENDATION: Staff recommends approval subject to: 1) Must meet the Model Subdivision Rules; 2) Comply with the street alignment policy; 3) Must pay the capital sewer recovery and park fees; and 4) Installation of 5' sidewalks along Business Highway 83

Chairwoman Izaguirre asked if there was any input from the Board in regards to this item.

Mr. Jaime Acevedo mentioned that one of the board members did questioned him before the meeting who will maintain the little strip of land. He suggested a plat note stating that it will be maintain by the HOA.

Chairwoman Izaguirre asked why the 5' setback instead for the required 6'?

Mr. Acevedo stated that the fire marshal requires a minimum of 10' by the NAPF fire code but that the city adapted 6' as the normal setback.

Mr. Kurth stated that the reason for the 5' setback was to build bigger homes. It's a benefit to have larger homes, tax rate will be higher and would have 5' and 5' in each side and the minimum is 10'.

There being no further discussion, Mr. Javier Barrera moved to approve the preliminary & final plat approval request as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:01 p.m.

Ended: 6:03 p.m.

Item #3.1

Pre-Final Plat Approval:

Spring Valley Subdivision (Private)

9.95 acres of Lot 28-12,

West Addition to Sharyland Subdivision

R-1A

Developer: M. Construction, LTD

Engineer: Javier Hinojosa Engineering

Mr. Acevedo went over the write-up stating that the proposed subdivision is located on the SW corner of North 2 Mile Road and Stewart Road. This is a subdivision that was given preliminary and final plat approval in 2006. Construction began in 2006 however it was not finalized until early this year. We are bringing back for approval because there was a change in the number of total lots constructed. When this plat was initially presented it was approved for 32 lots. The actual number of single-family homes is actually 31 thus the need for PNZ to consider this item again. All of the residential lots are exceeding the area requirements for a R-1A lot.

VARIANCE: PRIVATE STREET/SUBDIVISION - The subdivision will be gated and streets will be private, staff does not object and recommends in favor of this variance.

WATER - The developer connected a looped 8" water system to an existing 8" line located along North 2 Mile Road to provide water service to each lot. Fire hydrants were installed per the Fire Marshal's direction.

SEWER - In regards to sewer, the developer connected an 8" sanitary sewer line to a 12" sewer line along Stewart Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 31 lots X \$200.00/Lot = \$6,200.00.

STREETS & STORM DRAINAGE - The subdivision has frontage to Stewart Road and North 2 Mile Road. Both streets have been widened and sidewalks installed since 2006. There is no additional ROW needed at this time. The internal lots will be fronting a 50' ROW 32' B/B paved private street built to the City's construction specifications. Drainage consists of an 18" & 24" storm system with inlets and outfall to the Drainage Ditch approximately 1,300 south of the subdivision.

OTHER COMMENTS

Escrow Park Fees (**31 Lots x \$300.00 = \$9,300.00**)

Installation of Street Lighting as per City standards

Exclusion from the Water District

RECOMMENDATION: Staff recommends approval subject to: 1) Must meet the Model Subdivision Rules; 2) Private Street Plat Note that all private streets shall be maintained by the Home Owners Association; 3) On any private streets a hold harmless and indemnification agreement to be executed; and 4) Payments of capital sewer recovery and park fees.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or in opposition to this request.

There being no further discussion, Mr. Hector Moreno moved to approve the preliminary & final plat approval as per staff's recommendation. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #5.0
OTHER BUSINESS**

Since Mr. Ned Sheats is no longer serving the Planning and Zoning Board, Mr. Javier Barrera was nominated as Vice-Chairman as per Chairwoman Diana Izaguirre. Mr. Hector Moreno moved to approve the motion and Mr. Ruben Arcaute seconded the motion.

**ITEM #6.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mr. Hector Moreno seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:04 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission