

PLANNING AND ZONING COMMISSION
JANUARY 13, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
John Guerra
Diana Izaguirre
Julio Cerda

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Susana De Luna
Eddie Latin

GUESTS PRESENT

Nancy Rodriguez
Eliecer Uresti
Tony De La Tejera
Ruben Canales
Miriam Morales
Mirna Treviño
Abraham Gutierrez
Fernando Gonzalez, Jr.
Maria Saldivar
Maria Magana
Michael & Teresa McCleary
Rosenbel Ramirez

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR DECEMBER 16, 2015

Chairman Sheats asked if there were any corrections to the minutes for December 16, 2015. Mr. Mario Garza moved to approve the minutes as presented. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:02 p.m.

Item #1.1

Election of Chairman & Vice-Chairman

Mr. Daniel Tijerina stated that it was common procedure to elect a Chairman and a Vice-Chairman every year.

Vice-Chairman Ned Sheats asked if there were any nominations.

Mr. Mario Garza stated that he would like to nominate Mr. Ned Sheats for Chairman and Mr. John Guerra as Vice-Chairman.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza made a motion to nominate Mr. Ned Sheats as Chairman and Mr. John Guerra as Vice-Chairman. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:09 p.m.

Item #1.2

Rezoning:

**A tract of land containing 1.38 acres,
Being part or portion of Lot 24-7,
West Addition to Sharyland Subdivision
AO-I to C-3
Sanbro Investments, L.P./John D. Santos**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located near the SE corner of Conway Blvd. and E. Griffin Parkway (F.M. 495), just east abutting Conway Heights Subdivision (Virgil Wilson Funeral Home).

SURROUNDING ZONES:

N: C-3 - General Commercial
R-3 & Multi-Family Residential
E: AO-I - Agricultural Open Interim
W: C-3 - General Commercial
S: AO-I - Agricultural Open Permanent

EXISTING LAND USES:

N: Commercial & Multi-Family
E: Public
W: Commercial
S: Public
Site: Public

FLUM:

Public (P)

REVIEW COMMENTS: The land uses reflect the zoning shown above. The subject property was formerly owned by the City of Mission and thus the Future Land Use Map reflects a Public (P) land use.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present and how were they proposing to keep the noise out of there.

Representing the applicant, Mr. Ruben Canales from Melden & Hunt stated that what Mr. Tijerina had summarized was correct. He added that the applicant wants to add more

parking to that site and he would buffer anything that needs to be buffered with a fence to try and keep the adjacent property owner on their property versus the parking lot. Mr. Canales mentioned that they had done a site plan for the parking lot and had obtained a building permit for it as well.

Chairman Sheats stated that he just wanted to make sure that there would be no other access to the surrounding properties other than their main access.

Mr. Canales stated that there would be no access to the properties on the north side. He added that all the access would be coming from Conway.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

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

Started: 5:09 p.m.

Ended: 5:26 p.m.

Item #1.3

Rezoning:

Lots 2 & 4, Toellner Subdivision

R-1 to R-3

Felipe Rodriguez

Mr. Daniel Tijerina went over the write-up stating that the subject site is located $\frac{1}{4}$ mile south of Business Hwy. 83 along the eastern side of San Antonio Street.

SURROUNDING ZONES:

N: R-3 - Multi-Family Residential
E: AO-I - Agricultural Open Interim
W: R-1 - Single Family Residential
S: R-1 - Single Family Residential

EXISTING LAND USES:

N: Multi-Family Residential
E: Agricultural
W: Single Family Residential
S: Single Family Residential
Site: Single Family Vacant

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The land uses reflect the zoning shown above. The Future Land Use Map reflects a Low Density (LD) land use. Overall, the R-3 proposes to extend the incoming R-3 community to the north. However, it would appear that perhaps an R-2

should be considered to create a stair step effect from multi-family down to single family residential.

RECOMMENDATION: Denial of R-3 and Approval of R-2.

Chairman Sheats asked if the applicant or representative were present.

Representing her father, Mrs. Diana Rodriguez was present to address any questions from the Board.

Chairman Sheats asked if she owned the property.

Mrs. Rodriguez stated that the property belong to her father she was just representing him.

Chairman Sheats asked if she wanted to construct apartments in that area.

Mrs. Rodriguez replied, "Yes".

Chairman Sheats asked if they owned any property to the east.

Mrs. Rodriguez replied, "No".

Chairman Sheats asked Mr. Tijerina asked if there was a road to the south side of the proposed property.

Mr. Tijerina stated that Toledo was the only road that runs north and south.

Chairman Sheats asked how many apartments they were proposing to construct.

Mrs. Rodriguez stated that they wanted to construct 2- story buildings with 12 units per lot being 24 units in total.

Chairman Sheats asked if there was any public opposition to the request.

A show of hands indicated that there were 3 residents in opposition to this request.

In opposition, Mrs. Teresa McCleary stated that she owns lots 6, 8, & 10, which were immediately south of the proposed site and she already has a severe issue with water in their home because they seem to be the lowest property in the area especially from the ones the city has built. She added that their door sits 6" below street level and the street has absolutely no drainage. She mentioned that they get a lot of water from the west and with the new apartments that are being built there has been an increased amount of water to our property.

Mr. Tijerina stated that he was familiar with the area because he has been out there.

Mrs. McCleary stated that her house sits on Lots 6 & 8, which was immediately next to the proposed site. She showed the Board some pictures of the flooding problem via a slide presentation. She mentioned that the City Manager and all the TV stations had all gone to the site when things have gotten serious out there. Mrs. McCleary stated that the good thing is that drainage does go away from them once it goes south east the water disappears. She mentioned that it's their neighbors the ones behind them to the west the ones that get the greats amount of water. She added that the second issue would be the increased traffic because they already had a bar in the corner and frequently they had to wait because two cars cannot go through at the same time. Mrs. McCleary stated that she doesn't understand how the City allowed more apartments on such a strange curb. Mrs. McCleary finalized by stating that the two main concerns were the lack of infrastructure for the traffic and the flooding issue.

Mrs. Maria Saldivar stated that she lives across the street from the proposed site and she also has problems with the flooding. She added that they had Channel 5 go over in this recent storm and made a report. She mentioned that the City Manager as well as Mr. Salinas had also gone to the site to talk to her and they told her that unfortunately the City had ran out of budget and there was no money to do any drainage in that street.

Mrs. McCleary stated that they have invested a couple of thousands of dollars to put up a wall that would help keep the water from coming into her house. She added that she could just imagine when they raise up the soil for the construction where the water is going to go to.

Chairman Sheats stated that the problem he sees is that anything that has been built before does not meet the 8" of ROW and most homes have been there for a long time. He mentioned that the only thing he could suggest is that as money becomes available the City should try to work on the drainage in that area. Chairman Sheats stated that he didn't see how recommending from R-3 to R-2 would help the area but he also understands that that they cannot tell the property owners not to build especially when they are not at fault.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerdá moved to deny the rezoning. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:26 p.m.

Ended: 5:34 p.m.

Item #1.4

Rezoning: **Lots 3, 4, 5 & 6, Expressway Business Park Phase X
I-1 to R-3
Terra Homes Corporation**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the SE corner of Bryan Road (Anzalduas Highway) and Trinity Road.

SURROUNDING ZONES: N: C-3 - General Business

E: R-1A - Large Lot Single Family
W: I-1 - Light Industrial
S: AO-I - Agricultural Open Interim

EXISTING LAND USES: N: Vacant Commercial
E: Single Family Residential
W: Commercial
S: Agriculture
Site: Single Family Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zoning shown above. The Future Land Use Map reflects a General Commercial (GC) land use.

RECOMMENDATION: Denial.

Chairman Sheats asked if the applicant or representative were present.

Mr. Edward De La Tejera who resides at 1608 Audrey Drive stated that he was applying for R-3 to propose multi-family upscale apartments. He mentioned that this would enhance the area. He mentioned that neighbors might be concerned about the noise but they are proposing to plant trees to serve as a buffer for Mission Viejo which was the subdivision immediately next to the site.

Chairman Sheats asked if this would be a gated community.

Mr. De La Tejera replied, "Yes".

Chairman Sheats asked if there was any public opposition to the request.

A show of hands indicated that there were 3 residents in opposition to this request.

Mrs. Miriam Morales Acevedo who resides at 1402 Viejo Lane stated that she lived in the Mission Viejo Subdivision which was east of the proposed project and was against the request for the following reasons: no privacy, increased noise, increased crime and traffic. She added that this rezoning does not match with anything in the surrounding area. She mentioned that to have 200 neighbors just didn't seem to be right at this time.

Mrs. Mirna Trevino who resides at 1400 Viejo Lane stated that this rezoning would not be beneficial to the surrounding neighborhoods because nobody would like to live next to a lot of neighbors and it would depreciate the value of their homes.

Mr. Rosenbel Ramirez stated that he shared his neighbors' concerns but also they would have a lot of people next door to them. He added that his property values would be depreciated and to him this rezoning was not a good idea.

Chairman Sheats stated that in his opinion he didn't think this would be a good idea as well but that was only his opinion. He asked the Board for any other comments.

There being none.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to deny the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 5:34 p.m.

Ended: 5:43 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Windows
La Curva Taqueria
2575 E. Griffin Parkway, Ste. 12
Lot 1, Tres Picos Ph. I Subdivision
C-3
Eliecer Uresti/La Curva Taqueria, LLC**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 700' west of Taylor Road on the north side of E. Griffin Parkway (F.M. 495). The applicant is proposing to open a new restaurant with two drive-thru service windows a it's new development. The drive-thru windows are being proposing on the east side of the building, traffic must travel into one of the two 24' drives via Harmony Lane then proceed to the eastern side of the building where they would then turn north and proceed along the eastern side of the building to the drive-thru windows. The first window will be used to place and pay for your order and the second window further north will be used to pick up your order. The drive-thru window locations allow stacking for approximately 4 vehicles. Exiting would be done by continuing northbound along the eastern most side of the building followed by a partial 'wrap around' effect exiting westbound along the northern side of the building to a third 24' drive at the NW corner of the property back onto Harmony Lane.

- Hours of Operation: Monday – Sunday from 7 a.m. to 12 p.m.
- Staff: 4-7 Employees
- Parking: The 1,400 sq. ft. building will have a total of 44 seating spaces for the restaurant. A total of 19 spaces are required for this site (1,400 sq. ft./75 sq. ft. = 18.7 parking spaces). It is noted that a total of 150 parking spaces are held in common within the commercial development.
- Landscaping has been provided as a part of the overall commercial plaza.
- Must comply with all Building, Fire, and Health Codes, prior to obtaining a business license.
- A business license is required prior to occupancy.

REVIEW COMMENTS: Staff does not object to the proposed drive-thru service windows.

RECOMMENDATION: Staff recommends approval subject to: 1) 1 year approval in order to assess this new operation, 2) must comply with all Building, Fire, and Health Codes, prior to obtaining a business license, and 3) must acquire a business license.

Mr. Tijerina added that when he was the Public Works Director in San Juan he had the opportunity to visit La Curva Taqueria in Raul Longoria which has a similar layout and they have a very nice facility out there so he would just imagine that they would do the same in the City of Mission.

Chairman Sheats asked if the applicant or representative were present.

Mr. Eliecer Uresti was present to address any questions from the Board.

Chairman Sheats asked if there was any public opposition to the request.

There was none.

Chairman Sheats stated that he was certainly in favor of improving the eyesore that they had in that location but he just didn't understand the traffic flow.

Mr. Jaime Acevedo mentioned that he had talked to the applicant before the meeting and he suggested that they put the drive-thru sign on Harmony Lane and use the southernmost drive to come in and wrap around rather than their original proposal.

Chairman Sheats stated that up at the top you have two lanes going in opposite direction where would the east traffic be going to if you got two lanes going north.

Mr. Acevedo stated that they would have to exit back onto Harmony Lane via the northern driveway.

Chairman Sheats stated that he was talking about the people that would be heading in and out of the parking lot on the south side.

Mr. Acevedo stated that this area would be for the employee parking and it could be designated as such.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerdá moved to approve the conditional use permit as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 5:43 p.m.

Ended: 5:47 p.m.

Item #1.6

Conditional Use Permit: Sale & On-Site Consumption of Beer & Wine

**Yalla Habibi Mediterreanean & Bistro
1522 E. Expressway 83, Ste. 114
Lot 4, Stewart Plaza Subdivision
C-3
Carlos A. Ortiz**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the SEW corner of Stewart Road and Expressway 83. There is a commercial plaza located on the site which has a proposed 1,340 sq. ft. Mediterranean and Bistro restaurant with the sale and on-site consumption of beer and wine. Access to the site is provided from a 38' driveway off of Expressway 83. A conditional use permit for the sale and on-site consumption of alcoholic beverages was approved at this location on April 9, 2014 under Solo Empanadas Restaurant. However, since the conditional use permit was not transferable to others and a new operator is evident, this conditional use permit needs to be considered once again.

- Hours of Operation: Monday – Sunday from 11 a.m. to 12 a.m.
- Staff: 5 employees
- Parking: In viewing the floor plan, the restaurant/bar has a total of 49 seats, which require a total of 16 parking spaces (49 seats/3 = 16.3 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- Sec. 6-4: Section 1.56(3a) of the Zoning code requires a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There are 4 residential lots that are within 300'.

RECOMMENDATION: Staff recommends approval subject to: 1) 1 year re-evaluation, waiver of the 300' separation requirement, 2) compliance with Building, Fire, and Health Codes, and 3) the sale of alcohol to be till 12 a.m.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Abraham Gutierrez who resides at 1200 Reynosa Street was present to address any questions from the Board.

Chairman Sheats asked staff if there was any problems with the previous owners in regards to the sale of alcohol.

Mr. Tijerina replied, "No".

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

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

Started: 5:47 p.m.

Ended: 5:47 p.m.

Item #1.7

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages – Ranch House Burgers
409 N. Bryan Road, Suite 103, 104 & 105
Lot 1, City Plaza Subdivision
C-3
Steven Alaniz/Ranch House Burgers**

No Action was taken on this item.

Started: 5:47 p.m.

Ended: 5:52 p.m.

Item #2.0

Site Plan Approval:

**Construction of 12 Apartments
3206 Hillcrest
Lot 2, Taurus Estates #10
R-3
Skuadra Construction**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located near the NE corner of Hillcrest Drive and West 2 Mile Road. Site plan approval is required prior to permit issuance for multi-unit complexes of five or more.

In reviewing the site plan, there is one 2-Story Building, to be used as a multi-family apartment complex, approximately 48.83' x 100.5' sq.ft. per story for a total of 9,816 sq.ft. The building must comply with all fire code requirements for a multi-family 2 story building. Residents of the first floor will enter through doors along the front and rear side of the building. There is an exterior stair wells along the front side of the building for the second story residents. There will be no open balconies along the building.

The minimum required setbacks for the site are: 20' front along Hillcrest; rear setbacks of 5'; and 6' side setbacks. It is noted that all setbacks are in compliance.

As seen, one 26' driveway on to Hillcrest Drive will lead the traffic into and out of the facility. Also, there is access through the rear alley.

With regards to parking, the site plan shows 24 regular parking spaces. For a multi-family building of this size the City code requires 24, therefore meeting code. Two trash bins are proposed for residential trash and will be collected through the alley.

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 seven (7) – three (3') inch caliper trees are required to be planted within the green area. In addition, one light pole in front parking area and one light pole in rear parking area will be required.

When the plat was recorded, the park fee was levied at 6 units per lot @ \$200/unit – with the new upgrade fees, the additional 6 units will require the new 6 @ \$300/unit = \$1,800 park fee to be imposed. In addition a \$720 sewer capital recovery fee (6 @ \$120/unit) will be imposed.

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; 3) compliance with all building and fire codes; and 4) \$720 sewer capital recovery fee and \$1,800 park fees.

Mr. Julio Cerdá asked if staff was being consistent with all the requirements.

Mr. Tijerina replied, "Yes".

Mr. Mario Garza asked if the applicant was receptive to staff recommendations.

Mr. Tijerina replied, "Yes".

There being no discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the site plan subject to staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. John Cerdá seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:53 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission