

**PLANNING AND ZONING COMMISSION  
NOVEMBER 16, 2016  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Mario Garza  
Carlos Lopez  
Diana Izaguirre

**P&Z ABSENT**

Marisela Marin  
Julio Cerda

**STAFF PRESENT**

Jaime Acevedo  
Virgil Gonzalez  
Marie Villarreal  
Daniel Tijerina

**GUESTS PRESENT**

Olague Bauza  
Victor Trevino  
Joel Rodriguez  
Yazmin Martinez  
Jorge Meza  
Bill Filut  
Maria Pena  
Leonor Frias  
Cesar Wilson  
Santiago Gonzalez  
Ariana Cantu

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR OCTOBER 12 & 26, AND NOVEMBER 7, 2016**

Chairman Sheats asked if there were any corrections to the minutes for October 12 & 26, and November 7, 2016. Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:05 p.m.**

**Item #1.1**

**Conditional Use Permit:**

**Texas Citrus Fiesta Carnival  
7.4 acres out of Lot 25-6,  
West Addition to Sharyland Subdivision,  
& Lot 1, North Star Plaza Phase I  
AO-I & C-3  
January 15, 2007 – January 29, 2017  
Texas Citrus Fiesta (c/o Bill Filut)**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the NW corner of Conway and Griffin Parkway (F.M. 495). Texas Citrus Fiesta organizers have been given permission to have their annual carnival on the vacant lots to the north and west of the old Carl's Supermarket. They wish to set up on 1-15-17 and have the carnival from 1-19-17 to 1-29-17. They will then take down the carnival on the 30<sup>th</sup>.

- **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 by utilizing the old Carl's parking lot located to the south. Staff encourages that "No Parking" signs be placed along Conway and F.M. 495 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 Conway and Griffin Parkway; and
3. Meet Noise, Insurance, and any other related Codes.

Chairman Sheats asked if the applicant or representative were present.

Bill Filut whose address is 1102 Fairway was present to address any questions from the Board.

Mr. Filut mentioned that he has been present here for the past 28 years.

Chairman Sheats asked if there was anything being done differently this year from the past years.

Mr. Filut stated that nothing different is being done and that this year there celebrating their 80th birthday.

Chairman Sheats stated if he agrees with everything the City is demanding from them.

Mr. Filut stated that he agrees with what the City demands.

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. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:05 p.m.**

**Item #1.2**

**Conditional Use Permit:**

**Texas Citrus Fiesta Fun Fair  
Downtown Area (S. Conway / La Lomita Plaza)  
C-3  
January 28, 2017  
Texas Citrus Fiesta (c/o Bill Filut)**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at La Lomita Plaza (Leo Pena Park). Texas Citrus Fiesta organizers will be having their annual 'Fun Fair' event on January 28, 2017. The fun fair will include use of the area east of the Chamber of Commerce building and La Lomita Plaza (Leo Pena Park). It will be used for 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 east and north of the Chamber of Commerce building and east of Fallas Paredes.
- 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 the applicant or representative were present.

Bill Filut whose address is 1102 Fairway was present to address any questions from the Board.

Mr. Filut mentioned that he has been present here for the past 28 years.

Chairman Sheats asked if there was anything being done differently this year from the past years.

Mr. Filut stated that nothing different is being done and that this year they are celebrating their 80th birthday.

Chairman Sheats stated if he agrees with everything the City is demanding from them.

Mr. Filut stated that he agrees with what the City demands.

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. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:05 p.m.**

**Ended: 5:08 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**T-Rey's Drive-Thru Convenience Store**

**2502 W. Business 83**

**Lots 131-132, Ala Blanca #4 Subdivision**

**C-3**

**Joel Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the NW corner of Paisano St. and Business Hwy 83-see vicinity map. The prior owner had a CUP for drive thru convenience store since 2011, most recently approved in March 14, 2016 for life of use. However, since the CUP is not transferable, the new owner is required to obtain his own CUP for the desired use. Access to the drive-thru is from Paisano St. and exits out to Business 83.

- **Days / Hours of operation:** Mon. – Sun. 7:00a.m. to 11:00p.m.
- **Staff:** 9
- **Parking:** A total of 23 parking spaces are needed for the convenience store/drive-thru and the Laundromat. There are currently 21 spaces on site and the owner of T-Rey's owns and currently utilizes the property on the NE corner of Paisano St. and Business 83 for surplus T-Rey parking.
- **Landscaping:** The prior owner installed the required and additional landscaping along Business 83 to meet landscaping requirements.

**REVIEW COMMENTS:** Since this CUP has been working at this location for the past 5 years Staff does not object to allowing the new owner to continue with the drive thru component of this operation.

**RECOMMENDATION:** Staff recommends approval subject to:

1. 1 yr. approval in order to assess this new operation;
2. Must comply with all Building, Fire, and Health Codes, prior to obtaining a business license;
3. Must acquire a business license.

Chairman Sheats asked if the applicant or representative were present.

Joel Rodriguez who resides at 2500 Violet Ave was present to address any questions from the board.

Mr. Rodriguez mentioned that he would be taking new ownership on the business and that everything is staying the same.

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

**Started: 5:08 p.m.**

**Ended: 5:11 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**To have a Drive-Thru Service Window**

**La Casita Del Tamal Restaurant**

**2515 S. Colorado, Suite 11**

**Lot 2, Santa Lucia Development Subdivision**

**C-3**

**Yadira Yazmin Martinez Silva**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NW corner of Colorado and Taylor Road—see vicinity map.

**EVALUATION:** The applicant is proposing to lease a suite within this commercial development to have her Tamale and Menudo Restaurant with a drive-thru service window. Access to the site will be provided off Colorado or Taylor through an existing 24' driveways. Customers can park within the shared parking area to walk in and purchase items, or they can use the drive-thru service window.

- **Days / Hours of operation:** Monday – Saturday from 7:00a.m. to 9:00p.m. and Sunday from 8:00a.m. to 8:00p.m.
- **Staff:** a total of 3-5 employees will man this operation
- **Parking:** There are a total of 74 parking spaces held in common for the plaza. In speaking to the applicant, the majority of her business will be take-out, thus staff does not anticipate any concerns with parking.
- **Landscaping:** The landscaping, paving, and drainage for the entire plaza meets code.
- **Menu:** Tamales, Pozole, and Menudo will be the primary items sold from this location and all items will be ready to go.

**REVIEW COMMENTS:** Applicant will have to comply with Building, Health, and Fire Departments for their Business License.

**RECOMMENDATION:** Approval subject to:

1. 1 year re-evaluation.
2. CUP is not transferable to others.
3. Compliance with Building, Fire and Health codes.

Chairman Sheats asked if the applicant or representative were present.

Yazmin Martinez who resides at 2210 Lambeth was present to address any questions from the board.

Chairman Sheats asked if there were any problems or concerns with the request.

Mr. Acevedo mentioned that we didn't have anyone contact us in opposition to the request, as long as she meets all City requirements everything should be fine.

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. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:11 p.m.**

**Ended: 5:16 p.m.**

**Item #1.5**

**Conditional Use Permit:**

**Sale & On-site Consumption of Alcoholic  
Beverages – Kato Sushi Restaurant  
2306 E. Expressway 83, Suites 11 & 12  
Lot 10, Cimarron Crossing Subdivision Phasel  
C-3  
Kato Sushi Restaurant**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the SW corner of Shary Road and U.S. Expressway 83. Access to the site can be directly from the Frontage Road or driveways off J.R. Drive and Cecilia Lane. The applicant desires to renew a CUP for the Sale and On-Site Consumption of Alcohol at his sushi restaurant. The 2,664 sq. ft. restaurant has been at this location since 2006 without any incidents to report due to the sale of alcohol.

- **Hours of Operation:** The days and hours of operation are from Monday through Sunday from 11:00 am to 11:00 pm.
- **Staff:** 5-6 employees
- **Parking & Landscaping:** There are 84 seating spaces in the dining area and 6 seating spaces proposed in the bar area for a total of 90 seating spaces for the restaurant. One parking space for every three seats; or one space for every 75 square feet of floor area, whichever is greater, is required by code. It is noted that a total of 105 parking spaces are held in common at Cimarron Crossing Subdivision Phase I meeting code. Landscaping is also meeting City code.

**REVIEW COMMENTS:** A total of 4 notices were mailed to property owners within a 200' radius of the site and as of this write-up (11-9-16), no comments in favor or against this request have been forwarded to the Planning Department.

**RECOMMENDATION:** Since the applicant has been in operation for over 10 years without any incidents, staff recommends approval for life of use.

Chairman Sheats asked if the applicant or representative were present.

Katia Meza was present to address any questions the board may have.

Mrs. Meza mentioned that they will be the new owners and have been under operation as new owners for the past 4 months and is renewing the business license.

Chairman Sheats asked if this request is a renewal or new ownership.

Mr. Tijerina stated that it was a new ownership same name but different owner.

Mrs. Meza mentioned that they would be operating as the same business name but they would be the new owner that is the only change.

Chairman Sheats stated that he would not recommend life of use due to new ownership that a 1 year re-evaluation would be recommended.

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 subject to a 1 year re evaluation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:16 p.m.**

**Ended: 5:20 p.m.**

**Item #1.6**

**Conditional Use Permit:**

**Sale and On-Site Consumption of Alcoholic  
Beverages – The Best Flavored Beer Bar & Grill  
2306 E. Expressway 83, Suites 8 & 9  
Lot 1, Cimarron Crossing Ph. I Subdivision  
C-3  
Santiago Gonzalez B.**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the SE corner of J.R. Dr. and Expressway 83 along the Frontage Rd. This CUP was previously approved on May 5, 2015 by the PNZ and was approved for 1 year. The applicant opened has been in operation for 12 months and requires his CUP to be renewed at this time. When this CUP was approved by the City Council the applicant was granted the sale and on-site consumption until 2:00 am on Thursday through Saturday.

- **Hours of Operation:** The applicant is proposing to open every day from 12:00pm to 2:00am. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 5-6 employees
- **Parking & Landscaping:** There are 80 seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It is noted that the parking area is held in common (100 existing parking spaces) and is shared with other businesses. Landscaping is meeting City code.

**REVIEW COMMENTS:** The applicant will be selling food and drinks from the bar. While the original CUP allowed the applicant to serve alcohol from 11 a.m. to 2 a.m., the City has adopted stricter guidelines and disallowed the sale and on-site consumption of alcohol after 12:00 am

#### **RECOMMENDATION**

Staff recommends approval subject to:

1. 3 year approval;
2. Must comply with Ordinance #4320; and
3. Must continue to comply with all Fire, Building, and Health Department requirements.

Chairman Sheats asked if the applicant or representative were present.

Santiago Gonzalez was present to address any questions from the board.

Chairman Sheats mentioned that the only change from the last time the applicant was present has been the alcohol ordinance. Mr. Sheats stated if the applicant has been in touch with staff and understands the alcohol ordinance.

Mr. Gonzalez stated that he opened the business last year and is asking for another year to try and profit from his investment.

Chairman Sheats mentioned that Mr. Gonzalez would have to talk to staff and the Mayor about his proposition to sell alcohol till 2 am. The only thing that can be done right now is to approve the request by the existing ordinance.

Mr. Gonzalez stated that he would address the concern with City Council at their meeting.

Chairman Sheats mentioned that the service of alcohol is until 12 on weekdays and 1am on Saturdays.

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

**Started: 5:20 p.m.**

**Ended: 5:32 p.m.**

**ITEM #2.0**

**Tabled Rezoning:**

**A 0.304 acre out of all of Lot C-3, Meadow  
Creek Country Club Phase I-B Subdivision  
PUD (Common Area) to PUD (R-1)  
Olaguer Bauza**

Mr. Jaime Acevedo mentioned that the City had the chance to go visit the site due to some concerns in the past about an encroachment on the property abutting the subject site to the south. The City discovered that there is no encroachment; there is about 8 feet from the house to the property line, there's also a cement slab the goes out about 6 feet which also meets code. There is a metallic room that is within the guidelines if the building is considered to be fire rated, Danny has some pictures to show you all so that you can better see what is out there.

Chairman Sheats asked if the City figured out if it was fire rated.

Mr. Jaime Acevedo mentioned that they did not figure out if it was but that it could go through a variance at a later time through ZBA. What we are considering at the moment is the rezoning and since there are no encroachments we could proceed with the rezoning at this time.

Chairman Sheats mentioned that there is no encroachment and it is meeting setback requirements and in compliance.

Mr. Acevedo stated that it actually exceeds the required setbacks.

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the Lake View Drive and Lake Front Drive intersection along the west side of Lake View Drive. The irregular lot measures a total of 13,249 sq. ft.

**SURROUNDING ZONES:** N: PUD (AO-P) – Planned Unit Development  
(Agricultural Open)  
E: PUD (AO-P) – Planned Unit Development  
(Agricultural Open)  
W: PUD – Planned Unit Development  
S: PUD (R1-T) – Planned Unit Development (Townhouse)

**EXISTING LAND USES:** N: Golf Course  
E: Golf Course  
W: Vacant PUD  
S: Residential  
Site: Vacant

**FLUM:** Planned Unit Development (PUD)

**REVIEW COMMENTS:** The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. Although this property was designated as a common area, it has never been used as such. The proposed PUD (R-1) zone is directly consistent with the surrounding land uses and zones.

**RECOMMENDATION:** Approval.

Chairman Sheats asked if the applicant or representative were present.

Victor Trevino and Laura Bauza were present to address any questions the board may have.

Chairman Sheats asked Mr. Trevino if he had time to meet with the property owners next door to resolve any issues.

Mr. Trevino stated that he did not have time to meet with them.

Mrs. Bauza mentioned that she had some pictures she would like to show the board. Mrs. Bauza approached the board to show the pictures.

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

Mr. Cesar Wilson who resides at 1905 Lakeview Dr. was present to address any questions from the board.

Mr. Wilson mentioned that he had meet with Mr. Tijerina and meet him at the site to take a look at it. Mr. Wilson stated that Mr. Tijerina checked online and found that the enclosed patio was on the description and was already on there since 1993. If the applicant does decide to make a wall or a fence there is no way I could even fit through there, which would leave a gap that will never be able to be maintenance. Mr. Wilson stated that he had made several attempts to contact Mr. Cerda to see if he would sell the property but I haven't gotten any response. If he is willing to sell it I would buy it.

Chairman Sheats mentioned that this item was tabled in the last meeting to get more information; staff did a good job as to going out there and taking measurements, we can't look at the previous addition it was there no matter how it got there and we can't go back and correct things. At this point, the applicant can keep the addition it can be brought to another board if not conforming and can be approved to stay. There is sufficient setback that is exceeding what the City and PUD rules are. It is legal that these people can buy the property and put buildings that conform to the same rules.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the rezoning request as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:32 p.m.**

**Ended: 5:38 p.m.**

**ITEM #3.0**

**Tabled Preliminary &  
Final Plat Approval:**

**Oak Alley at Cimarron Subdivision  
A 8.898 acre tract of land out of Porcion No. 2  
San Jose Subdivision  
R1-A  
Developer: Dr. Guillermo Marquez  
Engineer: South Texas Infrastructure Group,**

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located along the east side of Stewart Road 750' north of Trinity Road. The developer is proposing 27 Large Lot Single Family Residential lots, all exceeding area requirements.

**WATER** - The developer is proposing a looped 8" water system to an existing 8" line located along the west side of Stewart Rd. 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 an 8" sewer line along the east side of Stewart Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 27 lots X \$200.00/Lot = \$5,400.00.

**STREETS & STORM DRAINAGE**

The subdivision has frontage to Stewart Rd., which is a future 60' ROW 43' B/B street. There is an additional 10' of ROW proposed which will comply with the requirement of 60' from centerline. The street widening cost for Stewart Rd. will be \$35.36 per linear feet x 294.70 lf = \$10,420.59. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the City's construction specifications. Drainage for the subdivision is proposed via 5 type A inlets connected to 24" RCP drainage line draining directly to the abutting Wilson Drain Ditch.

**OTHER COMMENTS**

Escrow Park Fees (27 Lots X \$300.00 = \$8,100.00)

Installation of Street Lighting as per City standards

Install or Escrow 5' sidewalks along Stewart Rd. (294.70' X \$12.00/L.F.= \$3,536.40)

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 fees; and
4. Must pay street widening fee.

Chairman Sheats asked if the applicant or representative were present.

Mr. Victor Trevino who resides at 900 South Stewart was present to address any questions the board may have.

Chairman Sheats asked if he agreed with what the City is requesting, the circular driveway and the one lot that got changed.

Mr. Trevino stated that he does agree and has no questions.

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. Dr. John Guerra moved to approve the subdivision request as per staff's recommendation. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM # 4.0  
OTHER BUSINESS**

**ITEM #5.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:38 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission