

PLANNING AND ZONING COMMISSION
MARCH 23, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
John Guerra
Carlos Lopez
Diana Izaguirre
Julio Cerda

P&Z ABSENT

Marisela Marin
Mario Garza

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Susana De Luna
Eddie Latin

Glen Herndier
Antonio Herrera A.
Khaled Bayyli
Nora Arguelles
Jennie Putlick
Rene Barrera
Elaine & Tom Clinton
Perri Ann Hunthy
Richard Garrett
Terry & Pat Knouse
Raul Gonzalez
Raul C. Santiago

GUESTS PRESENT

William Allan
Carmen & Toribio Rivera
W. Hartwell
Kathleen & Michael Manuel
Candy Ellingson
Mr. & Mrs. Rick Wright
Daphne Stewart
Patricia West
Cristina Zavala
Fernando J. A.
Baudelio Cortina
Catherie Tia Eyck

Mark & Candy Adams
Ismena Adiel Garcia
Eduardo Gamba
Joe Ertman
Ariel & Frank King
Steven Robert Davis
Kay Wolf
Lourdes Garcia
Tim Gorny
John Hill
Maria D. Martinez
Ramiro & Sandra Nino

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:05 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR MARCH 9 & 14, 2016

Chairman Sheats asked if there were any corrections to the minutes for March 9 & 14, 2016. Mr. John Guerra moved to approve the minutes as presented. M. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:41 p.m.

Item #1.1

Rezoning:

**0.250 acres, being a part of portion of the Golf Course and Lake Reserve out of Meadow Creek Country Club Phase I-A
AO-I to R-2
Ismena Garcia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located near the NE corner River Bend and Oasis Drive. The lot measures 156' x 70' or 10,920 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: PUD – Planned Unit Development
S: PUD – Planned Unit Development

EXISTING LAND USES: N: Townhome Residential
E: Golf Course
W: Single Family Residential
S: Vacant
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: Overall, the R-2 proposes to merge the multi-family land uses already existing in this area. The lot measures 156' wide by 70' deep and can easily accommodate a four-plex with onsite parking thereon. However, a variance request on the lots depth will be required on the one lot plat. As of the time of this writing, we did receive one person within the 200' radius come in and voiced his opposition of this request. However, this day we have a total of 23 people of the 43 notices that were mailed out opposing this request which equates to about 52% opposition of the property owners that are within the 200' radius.

RECOMMENDATION: Staff recommends approval.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ismena Garcia who resides at 1908 Seagull Lane was present to address any questions from the Board.

Chairman Sheats asked Mrs. Garcia how many apartments she was proposing to construct.

Mrs. Garcia stated that she was proposing to construct 4 apartments which would be 2 bedrooms 2 baths and 1 garage.

Chairman Sheats asked if there would be sufficient parking.

Mr. Acevedo replied, "Yes".

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

A show of hands indicated that they were 18 people present in opposition to this request.

Chairman Sheats asked there was a spokesperson or a representative.

Mr. Glen Herndier who resides at 1521 River Bend Drive stated that he would like to speak as a property owner since his house was right across the street from the proposed rezoning but also as a Member of the Board of Directors of the Homeowners Association. He added that they were opposed to this rezoning. He added that they submitted a petition to staff with 60% opposition including the 44 property owners that were notified and supporting people from the golf community which were also opposing. Mr. Herndier stated that the reasons for his protest were: this was a high volume, high risk traffic corridor for excessive high speed traffic from uncontrolled traffic from Oasis Avenue, school bus pick up and drop offs, and golf cart traffic leading to the ProShop and to Hole #13; it would create parking overflow problems; rental property would lead to more children exposed to traffic risks; this is a retirement golf community that does not want to have our homes devalued by rental properties across the street, with their incumbent young family issues; tenants will be exposed to a very high number of errant golf shots because of the direction of play to the 12th green creating severe risks for anyone living there.

Mr. Herndier stated that on behalf of the Homeowners Association they have a booklet with covenants that includes the other side of River Bend and all the areas south of the subdivision states that that all lots should be used for residential purposes only.

Chairman Sheats asked Mr. Herndier if these CCRs apply to the other side being considered on River Bend.

Mr. Herndier replied, "No". He added that this was part of Block 16, which was not in the jurisdiction of the Homeowners Association. Mr. Herndier stated that the Homeowners Association took care of Block 19 and the south part of the main complex.

Chairman Sheats thanked Mr. Herndier for clarifying and asked him to continue.

Mr. Herndier finalized by stating that if the request was approved it would set precedence to others which own other parcels that were currently undeveloped. He added that these properties were currently zoned agricultural and they don't want them rezoned for multi-family they would like to keep them as residential.

Chairman Sheats asked Mr. Herndier how much traffic difference he would think there would be from 4 families.

Mr. Herndier stated that this area was already congested with high speed traffic. He mentioned that they don't want any more apartments that area.

Chairman Sheats stated that probably most of the traffic was from the surrounding neighborhoods. He asked staff for a number of calls received in regards to traffic and the number provided was average for the City. He added that the issue that they do have is that we have people who have purchased property legally on the same side of the street where there are multiple family dwellings to the north, south and east which seem to have not have any problems in the past.

Mrs. Eliane Clayton who resides at 1908 River Bend Drive stated that the condos that were on the corner of River Bend Drive and Oasis were privately owned and not renters. She believes that they should be considered especially because if of those condos has its own covenants.

Chairman Sheats that there is a possibility they those apartments by have their own covenants as well. He added that he point he is trying to make is that they are only dealing with 4 families apartments not a huge complex.

Mr. Rick Wright who resides at 1704 Oasis Avenue, which is in the condos that Mrs. Claytons was referencing stated that he strongly believes that a person should be able to do what they want to do with their own property. In this particular case if the Board is going to approve the request then we would need some assistance on River Bend Avenue because exactly what Mr. Herndier mentioned that majority of the traffic that goes between that street and Circle Drive comes off of Oasis Avenue. He added that there were 109 units which he owned one of them and there were approximately 150 cars going in and out. He mentioned that he was a full time resident and this situation happens all year round it was not just in the winter time. Mr. Wright stated that if the Board approved adding those 4 units there would be 4 to 8 additional cars backing out in an area where people come from the southern part of the housing addition at a high rate speed on Oasis Avenue frequently running the stop sign. Mr. Wright added that if the Board makes the decision to approve the request they were going to need the City help to get a speed bump/stop signs on River Bend or some sort of crosswalk for the golf course or something to slower the traffic down.

Chairman Sheats stated that he agreed with him and he knew that the City has a program for speed bumps but it requires the approval of all property owners within the subdivision.

Mr. Wright asked Chairman Sheats if he had the ability to make that happen.

Chairman Sheats stated that he didn't but Mr. Tijerina or Mr. Acevedo would be able to help him out.

Mr. Tijerina stated that there is a Speed Hump Ordinance in place and he could provide that information to them. He added that once the application is filled out and the information is submitted it still needs to be considered by the Traffic Safety Committee and a traffic study needs to be done and there are some costs involved for the speed hump.

Chairman Sheats stated that he understands what they are going through because they had a similar issue in their subdivision on 28th street and they went through the process once the speed humps were installed the problem was resolved.

Mr. John Guerra asked Mr. Wright if he owned his condominium or if he knew if most of the people owned or rent the condominiums.

Mr. Wright stated that only 1 unit is rented in his 16 unit complex the rest are individually owned. The rest of the owner units in the area are rentals which were a total of 109.

Mr. Steve Davis who resides at 1706 Oasis stated that he lived on one of those condos and he was a full time resident. He reiterated what Mr. Wright mentioned in regards to the traffic. He added that the traffic in this area was worse than in any other intersection in the entire development. Mr. Davis asked if they were going to meet the setbacks since his property was at the edge of the green area.

Mr. Acevedo stated that the setback and parking requirements were being met based of the proposal.

Mr. Davis asked if the parking was going to be between them.

Mr. Acevedo stated that the parking was going to be in the front.

Mr. Julio Cerda stated that for many years the City has been working with this area. He added that the city has help with the over lays, making sure that the drainage is working correctly. Mr. Cerda stated that he believed that the City also worked with the gates that were along Inspiration Road because they are public right-of-ways but the majority of the guests were against having a second opening on Inspiration Road which would help solve most of the problems. Mr. Cerda recalled the City helped them out by removing the ugly fence that was at the entrance but in looking at the big picture all the traffic that is coming in is also from the residents that live on the southern part of the subdivision so it is not fair to punish this property owner for his development. He asked staff to get with the City Manager regarding the parking.

Mr. Herndier stated that they are 132 lots vacant couldn't they not develop those lots first.

Chairman Sheats stated that the applicant doesn't own those lots that is the reason why he couldn't develop them. Chairman Sheats closed the public.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:48 p.m.

Item #1.2

Rezoning:

**A 0.85 acre tract out of Lot 29-4,
West Addition to Sharyland Subdivision
AO-I to C-3
Baudelio Cortinas**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at NW corner Trosper Road and W. 2 Mile Road. The lot measures 173' x 214 or 37,022 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Agricultural
E: Agricultural/Residential
W: Agricultural
S: Agricultural
Site: Agricultural/Residential

FLUM: Low Density (LD)

REVIEW COMMENTS: With the expansion of 2 Mile Road, this transition zone has seen several commercial rezoning's in the past few months. Although the FLUM shows a Low Density (LD) designation, staff notes the FLUM can be amended to reflect the C-3 use. The property will need to be subdivided and approved prior to any use. 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 not received any comments.

RECOMMENDATION: Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Baudelio Cortinas was present to address any questions from the Board.

Mr. Tijerina stated that Mr. Cortinas had to leave because he had another appointment.

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

Mr. Ramiro & his wife Sandra Nino who reside at 3300 N. Trosper stated that they live in the Godina Subdivision and they want to know what's General Business. Mr. Nino asked if it would allow a convenience store.

Chairman Sheats stated that it would be just about anything except a gas station. He added that it could be a car shop, medical office, etc. He mentioned that usually intersections like this usually have commercial property. Chairman Sheats stated that probably the reason this item was being considered was due to the recent annexations.

Mr. Acevedo stated that this property had been annexed to the city for a couple of years now but most of the rezoning that the City has seen is due to the widening of 2 Mile Road. He added that staff has seen 3 or 4 different spots along 2 Mile between Los Ebanos Road and Conway that have been rezoned to commercial.

Mr. Nino stated that right north of the proposed site was a gentlemen that could not attend the meeting who was concern about this rezoning because he just constructed his home and has two little kids.

Mr. Acevedo stated that anytime there is commercial development a buffer is required to separate the residential from the commercial.

Chairman Sheats stated that this Board tries not to allow gross invasions to areas in agricultural zones as far as lighting, noise things like that and the City has ordinances in place that could help prevent intrusions but in a commercial zone they could practically put just about anything.

Mrs. Nino stated that this was one of their concerns because there has been an increase in traffic just with the Escobar Rios. She added that in the morning the flow of traffic is backed up to 2 Mile and it has been very difficult in the mornings and in the afternoons. Mrs. Nino stated that their concern is that it could be anything commercial from a store to anything that is the reason we are against this rezoning.

Chairman Sheats stated that usually corner lots are the best use for the property but this Board would only recommend the ultimate decision was made by the City Council.

Mr. Nino asked if the final decision would be done on April 11th.

Mr. Tijerina confirmed that this item would be seen by the City Council on April 11th for consideration.

Mr. Cerda stated asked if commercial developments require a site plan approval.

Mr. Tijerina replied, "Yes". He added that staff would be requiring paving and grading, setbacks, and subdivision.

Chairman Sheats stated that unfortunately the City had ordinances that try to help keep similar uses in the same area. He added that trying to put residential in the middle of a lot of commercial would not be considered good planning for this area. Chairman Sheats stated that he agreed that it would be difficult to put commercial buildings in this area but office buildings would be suited in this area.

Mr. Gamba stated that with the commercial requirements for construction there is not enough space for any commercial development. He added that they would have difficulty with cars backing up to the street. Mr. Gamba added that to his understanding he thought the City was supporting the rezoning request.

Chairman Sheats stated that if approved it would be considered spot zoning based on the discussion with both City Attorneys because it would only benefit him and not the rest of the commercial area.

Mr. Gamba stated that the existing commercial area has a lot more depth and the lots were bigger than his property that was the reason they had a better opportunity for development.

Mr. Cerda asked Mr. Tijerina what were his initial thoughts when they recommended the R-1T.

Mr. Tijerina stated that they were looking at the square footage, depth and size of the lot. However, in looking at the area it seems that there is room for commercial development they just need to consider maybe putting the parking on the side. He added that based on that information and the discussion with both of our City Attorney regarding the rezoning he decided to amend the recommendation.

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. Ms. Diana Izaguirre moved to deny the rezoning as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:23 p.m.

Item #1.4

Conditional Use Permit:

**Bed & Breakfast and an Event Center
& Off-Street Parking**

**1311 N. Bryan Road & 3011 N. Bryan Road
A 1.01 acre tract of land out of Lot 29-10, &
The North 17 acres of Lot 27-10,
West Addition to Sharyland Subdivision
AO-I**

Ariel P. King

Mr. Jaime Acevedo went over the write-up stating that the subject site is located in the NW corner of Bryan Rd. and 2 Mile Road and the off-street parking is located ¼ miles south of 2 Mile Road along the west side of Bryan Road.

On November 15, 2015 the Planning & Zoning Commission approved a CUP at this location for the use of a bed and breakfast. However, the event center was denied due to the lack of parking. The applicant has secured off-street parking and is requesting that the CUP to be considered for the event center. The events center will host smaller scale outdoor special events such as weddings, quinceneras, anniversaries, etc. The property will also be available for rental as a bed and breakfast.

- **Hours of operation:** will vary depending on when the property is rented but is available every day of the week.
- **Staff:** The applicant will be the only employee managing this location.
- **Parking:** There are two paved driveways one off 2 Mile Road and another along Bryan Road for on-site parking. Combined these two driveways can accommodate up to 10 vehicles.
- **Additional Parking:** The applicant is proposing off-street parking on a 17 acre agriculture tract of land ¼ south of the event center. If approved, the applicant is proposing valet parking for those attending larger events requiring off-street parking.

RECOMMENDATION: Since the property does not have sufficient parking and the proposed off-site parking facility is ¼ mile away, staff cannot support the use of an event center at this location. If approved it would set precedence for others.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ariel King stated that she would like the Board to consider her request. She added that she would have valet parking for the events. She mentioned that she would set up a tent with a van that would take the guests to and from the events center. Mr. King stated that the property is vacant and ready to be used.

Mr. Frank King who resides at 3005 N. Bryan stated that his parents own most the surrounding properties and were in support of the request as well as her surrounding neighbors.

Mr. John Guerra asked what is the maximum capacity.

Mrs. King stated that probably 25 to 30 people inside the house and the rest would be outside.

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

There was no response.

Mr. Tijerina stated that he had received an email from Mrs. Powell which was Mrs. King Mother and she is in favor of the request.

Mrs. Izaguirre asked what happened with being able to park in the church.

Mrs. King stated that the church was okay with allowing them to park except that she has not been able to get it in writing.

Mr. Cerda asked could they park in the property.

Mrs. King replied, "Yes, but not very many".

Ms. Izaguirre asked if the City Council approved the request.

Mr. Tijerina stated that the City Council approved the bed and breakfast but took no action on the event center until they get the agreement from the church in writing.

Mr. Cerda asked if staff could talk to administration and see how they could help Mrs. King with her project because now mostly everybody hires valet parking for their events.

Mr. John Guerra asked Mrs. King if the transportation be private.

Mrs. King replied, "Yes". She added that she could include it in the contract so that it be considered when the people rent the event center.

There being no further discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to approve the conditional use permit for 1 year. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:24 p.m.

Ended: 6:29 p.m.

Item #1.5

Conditional Use Permit:

**To Place a Mobile Home "Temporary"
to care for Health Stricken Family Member
700 S. F.M. 1016 (aka 700 S. Conway)
A 6.50 acre tract of land out of Lot 16-6,
West Addition to Sharyland Subdivision
AO-I
Gerardo (Jerry) Guajardo**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located between at the SW corner of US Expressway 83 Frontage and S. Conway Blvd. Mr. Gerardo (Jerry) Guajardo has his main residence thereon and is requesting that a mobile home be allowed to be moved in just east of the main residence. Mrs. Guajardo is dealing with

health issues and requires general assistance and care. Her daughter is proposing to reside the second structure and will be providing the required assistance for her mother. The mobile home will share electrical and water services with the primary residence, there are no separate meters. According to Mr. Guajardo, the use will be temporary as the family will likely sell the property and the mobile home moved out in the near future.

REVIEW COMMENTS: Staff does not object to the secondary residence.

RECOMMENDATION: Staff recommends approval subject to: 1) Recording of document on removal of mobile home when need for second residence expires, 2) Mobile home cannot be used as a rental structure, 3) The mobile home must meet minimum building codes, and 4) Re-evaluation in 3 years.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

Mr. Guerra stated that he has seen this property and would like for the applicant to clean up this place.

Mr. Tijerina stated that they have talked to Mr. Guajardo about cleaning the area but certainly this could be followed up by the Code Enforcement officers.

There being no further discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to approve the conditional use permit as per staff's recommendation but for only 1 year and to include cleaning/maintaining the property. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:29 p.m.

Ended: 6:34 p.m.

Item #1.6

**Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Nuevo Leon Express Taquerias
2215 W. Mile 3 Road
A 4.79 acre tract of land being the West 4.79 acres of the East 5.63 acres of Lot 24, New Caledonia, Unit No. 1
C-3
Nuevo Leon Taquerias, LLC**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located between Schuerbach Road and Moorfield Road along the South Side of 3 Mile Road (F.M. 1924).

EVALUATION: The applicant has a taqueria at this location and the proposal is to offer the sale and on-site consumption of alcohol with the sale of Mexican food.

- **Hours of operation:** Monday through Sunday from 11 am to 12 am.
- **Staff:** A total of 6 employees will run this operation.
- **Parking:** There is one paved driveway off 3 Mile Road that leads to a parking facility. In viewing the floor plan there are 32 tables ranging in size with a total of 130 seats being proposed. For a restaurant of this size 43 parking spaces are required ($130/3 \text{ seats} = 43.3$). There are a total of 54 parking spaces at this location, exceeding code by 11.

In viewing the location map, there are single family residences located within three-hundred feet (300') to the north of the business. The City's Alcohol Beverage and Zoning Code states the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Eleven (11) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request.

Mr. Acevedo stated that staff received 1 letter in opposition to this request this afternoon. He added that the owner who send this letter in opposition lives across the street from the proposed site.

RECOMMENDATION: Staff recommends approval of the CUP subject to: 1) Compliance with all Health and Fire Department requirements, 2) Compliance with Texas Alcoholics Beverage Commission (TABC) requirements, 3) Wet zone the property, 4) Recommend waiver of 300' separation requirement to City Council, 5) The acquisition of a Business License, and 6) 1 year re-evaluation.

Mr. Tijerina stated that this property was annexed to the City 3 years ago. He added that this was an existing facility which the primary sale was tacos. Mr. Tijerina stated that the City Council had recently approved Ordinance 4320 which has standards hours of operation and not late hours. He added that he would like to include in the recommendation compliance with Ordinance 4320.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Raul Santiago who resides at 2412 Swallow Avenue was present to address any questions from the Board.

Mr. Guerra asked what type of alcoholic beverages would be sold.

Mr. Santiago stated that it would only be wine and beer.

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. Julio Cerda moved to approve the conditional use permit as per staff's recommendations including the speed bump. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:34 p.m.

Ended: 6:39 p.m.

Item #1.7

**Conditional Use Permit: Drive-Thru Service Window
- MiniMax #6 Convenience Store
1500 W. Business Hwy 83
Lot A, Mission Acres Subdivision
C-3
Omar Hadroun**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NW corner of Los Ebanos and Business Highway 83.

EVALUATION: The applicant has purchased the long standing E-Z Mart Convenience Store and is requesting a drive-thru service window to be allowed at this location. During the remodeling of the store, Mr. Hadroun was alerted by staff that he must first obtain a CUP for a drive thru service window to be allowed. Entrance to this site is derived from two driveway cuts along Los Ebanos, and two from Business Highway 83. The drive-thru service window will be along the east side of the building. The lane allows stacking for approximately 2 vehicles.

- **Days / Hours of operation:** Monday – Sunday from 6:00a.m. to 12:00a.m.
- **Staff:** 7 employees
- **Parking:** There are a total of 11 striped parking spaces (includes 1 handicap parking space) at the Minimax #6 Convenience Store for which all 11 are required for the store's use, however, a total of 19 are available when factoring the parking under the canopies; thus, parking is satisfactory to our codes.
- **Landscaping:** Complies with landscaping ordinance for the City.

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

RECOMMENDATION: Approval subject to acquiring a building permit and subject to a 1 year re-evaluation.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

Ms. Izaguirre asked if the applicant submitted a site plan.

Mr. Tijerina stated that they submitted a hand drawn site plan.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to 'Table' the conditional use permit until a new site plan is submitted. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Izaguirre had to leave at 6:41 p.m.

Started: 6:39 p.m.

Ended: 6:43 p.m.

Item #1.8

**Conditional Use Permit: To keep a Portable Building for Office Use
1117 S. Shary Road
Lot 1, McManus Subdivision
C-3
Antonio Herrera A.**

Mr. Jaime Acevedo went over the write-up stating that the site is located 400' south of Colorado St. along east side of Shary Road. This pre-existing portable building has been used as an office for the past 19 years (currently as an office for Unique Auto Detailing and Rocass Homes). Mr. Herrera is the current operator of the portable office and now is requesting a renewal of his CUP. The existing portable building sits along the easternmost property line over 100' from Shary Rd. There is a 47' X 20' section of asphalt where vehicles are washed; and 4 spaces used for drying the vehicles - see site plan.

- **Days / Hours of Operation:** Everyday from 8 a.m. to 6 p.m.
- **Staff:** 6 employees
- **Parking & Landscaping:** The two businesses require a minimum of 8 parking spaces. There are a total of 17 parking spaces, however 4 spaces are used to dry

vehicles, leaving 13 parking spaces shared between both businesses, thus exceeding code. There are several existing palm trees and shrubs on-site.

REVIEW COMMENTS: Having a portable building along Shary Rd. is not a long term desire of the City when considering aesthetics along a major corridor. However, since the last renewal, a lot of work has been done to the site, including the portable building. Rocass Homes made a portion of the building look like a permanent structure greatly improving the aesthetics of the site. Staff does not object to a 3 year re-evaluation in order to continue to assess these businesses where, one day the portable may need to be replaced with a site built structure.

RECOMMENDATION: Life of use.

Chairman Sheats asked if the applicant or representative were present.

Mr. Antonio Herrera was present to address any questions from the Board.

Chairman Sheats asked Mr. Herrera what type of work is being done.

Mr. Herrera stated that they do carwashes and auto detail. He added that they were recently awarded a contract with the City to take care of the police vehicles.

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. Julio Cerda 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: 6:43 p.m.

Ended: 6:47 p.m.

Item #1.9

Conditional Use Permit:

Drive-Thru Service Window

- Tortilleria Carmelita

600 N. Shary Road, Ste. F

Lot 1, Esdras Vega Subdivision

C-3

Carmen Rivera

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NE corner of E. 6th Street and Shary Road.

EVALUATION: The applicant is proposing to lease a suite within this commercial development to have her tortilla with a drive-thru service window. A CUP was previously awarded at this location for a drive-thru service window. However, since CUP's are not

transferable, a new CUP is required for this new applicant. Access to the site will be provided off E. 6th Street, through an existing 24' driveway. 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 7:00a.m. to 7:00p.m.
- **Staff:** a total of 3 employees will man this operation
- **Parking:** There are a total of 58 parking spaces held in common for the plaza. In speaking to the applicant, 100% of her business will be for take-out, thus staff does not anticipate any concerns with parking.
- **Landscaping:** The landscaping, paving, and drainage for the entire plaza meets code.
- **Menu:** Tortillas, sodas, milk, and other basic snacks will be the only items sold Monday through Friday. On Saturdays and Sundays they will offer barbacoa and menudo—all items are to go).

REVIEW COMMENTS: Applicant will have to comply with Health and Fire department 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.

Representing the applicant, Mr. Rene Barrera whose address is 6316 N. 10th Street in McAllen stated that he was the original project engineer for this project was present to address any questions from the Board.

Chairman Sheats asked if they were receptive to staff's recommendations.

Mr. Barrera replied, "Yes".

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. Julio Cerda 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: 6:47 p.m.

Ended: 6:50 p.m.

Item #2.0

Conditional Use Permit: Home Occupation – Licensed Child Day Care

**4204 San Roman
Lot 26, Paseo Lindo Ph. 2 Subdivision
PUD
Nora Arguelles**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approx... 400' East of Santa Engracia along the South side of San Roman. The applicant wishes to renew a Home Occupation CUP, originally approved February 2015, for a licensed child care home. The home has a two car driveway off of San Roman capable of accommodating the safe drop off and pick up of children. There is a six foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children. Mrs. Arguelles will primarily use her living room to care for the children – see pictures.

- **Hours of operation:** Monday – Friday from 8a.m. to 4p.m
- **Staff:** Herself and her daughter will run the registered home.
- Business license required prior to opening child day care (12 children max).
- Applicant must be DHS certified in order to obtain business license.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regulation.), inclusive of sign requirements – see code below.

REVIEW COMMENTS: The applicant has been in operation for over 1 year with no issues or complaints to report. Staff has received/reviewed several of these types of CUPs in the past and have not had any problems with previous others; and we have sent notices to property owners within a 200' radius surrounding the property without receiving comments for or against the request, thus Staff does not object to the CUP request.

RECOMMENDATION: Approval subject to:

1. A 3 year re-evaluation in order to monitor the child care facility;
2. Must continue to be DHS certified;
3. Must continue to comply with the Home Occupation portion of the Zoning Code.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Nora Arguelles who resides at 4204 San Roman was present to address any questions from the Board.

Chairman Sheats asked Mrs. Arguelles if she was receptive to staff's recommendations.

Mrs. Villarreal replied, "Yes".

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. Julio Cerda seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 6:50 p.m.

Ended: 6:57 p.m.

Item #2.1

**Conditional Use Permit: To have an Accessory Building in a property
Zoned AO-P (Agricultural Open Permanent)
200 S. Glasscock Road
The North 4 acres of Lot 172,
John H. Shary Subdivision
AO-P
Felix Mario Garza Pena**

Mr. Jaime Acevedo went over the write-up stating that this property is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. The site measures 142.82' X 1,220' (174,240 total sq.ft.) and has The applicant is requesting a CUP for the construction of an accessory structure in an Agriculture Open Permanent (AO-P) 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'**.

REVIEW COMMENTS: If approved, the applicant is requesting to build a barn/garage for his animals and collection of cars—see attached. In the future, a residence will be constructed in the front R-1 portion of this property. 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 reevaluating this CUP in 3 years and approval of a Single Lot Variance.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Mrs. Cristina Zavala who resides at 1800 Victoria stated that she had some concerns regarding the livestock and the serious drainage problem that she has been having for the past 15 years. Mrs. Zavala asked if the construction of this new building would be helping out with the drainage problem or would it add to the existing problem.

Mr. Tijerina stated he had the opportunity to talk to Mrs. Zavala prior to the meeting and he told her that the City was acquiring some easements to help resolve the problem with the

drainage. He added that with this single lot variance Mr. Felix Pena would be dedicating a 15' utility easement to help alleviate this problem. He added that on Glasscock the proposal is to add type "A" inlets and drainage as well.

Chairman Sheats asked if this agreements include a grading plan to direct the flow.

Mr. Tijerina stated that inside Glasscock South Subdivision there is existing drainage so the new pipe will collect that drainage and routed to the proper area.

Mrs. Zavala asked what about the livestock.

Mr. Tijerina stated that he talked to Nacho Pecina which was the realtor who took care of the sale and he was told by Mr. Pecina that Mr. Pena wanted to build this building for the car collection that he owns.

Mrs. Zavala stated that they don't necessary have to have animals.

Mr. Tijerina stated that not that he is aware but it he wanted to the property is agriculturally zoned and livestock would be allowed but there is an ordinance in place that they would need to comply with.

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

Started: 6:57 p.m.

Ended: 6:57 p.m.

Item #3.0

**Single Lot Variance: 0.25 acres, being a part or portion of the Golf Course
And Lake Reserve out of Meadow Creek Country Club
Phase I-A
AO-I (R-2 Proposed)
Ismena Garcia**

No action was taken on this item until the rezoning goes before the City Council.

Started: 6:58 p.m.

Ended: 7:01 p.m.

Item #3.1

**Single Lot Variance: The North 4 acres of Lot 172,
John H. Shary Subdivision
200 S. Glasscock Road
AO-P
Felix Mario Garza Peña**

Mr. Daniel Tijerina went over the write-up stating that this property is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road. The site measures 142.82' X 1,220' (174,240 total sq.ft.). The purpose of this SLV is to comply with the subdivision ordinance so that a permit can be issued for the construction of an accessory structure.

WATER & SEWER: Water service is available through an existing 8" waterline located along the west side of Glasscock. There is an existing fire hydrant located near the NE corner of this property. Regarding sewer, there is an existing 15" sewer line located along the east side of Glasscock.

STREETS: The property has frontage to Glasscock Road, which is designated as a collector street requiring 80' of right of way (40' from center line to the east and west).

RECOMMENDATION: Staff recommends approval subject to: 1) Providing proof of exclusion from the water district; 2) Dedication of any street and other easements the City of Mission may need along Glasscock or for the extension of Union Street; 3) Acquisition of a permit for the construction of the accessory building; and 4) Sewer Capital Recovery Fees and Park Fees will be addressed when residence is constructed.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

**ITEM #2.0
OTHER BUSINESS**

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. Julio Cerda seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 7:01 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission