

**PLANNING AND ZONING COMMISSION
APRIL 12, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Marisela Marin
Carlos Lopez
Julio Cerda

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Joel Chapa

GUESTS PRESENT

Gloria Resendiz
Frederick Mooij
Elizabeth A. Funk
Clifton Davis
Manuel Mata
Jaime Morales

Juan A. Cantu, Jr.
Gerardo Benavides
Denise Firnekas
Maria Elena Davis
Yesenia & Alfredo Trevino
Saulo Mora

Gabriel Martinez
Vicente Rios
Esteban Garcia
Sharon Ellison
Denise Burleson

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 APRIL 12, 2017

Chairman Sheats asked if there were any corrections to the minutes for April 12, 2017. Mr. Carlos Lopez moved to approve the minutes as corrected. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:08 p.m.

Item #1.1

Rezoning:

**A 0.91 acre tract of land, being the North
198' of the West 220' of Lot 19-11,
West Addition to Sharyland Subdivision
AO-I to C-2
Catalina Hernandez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located between Santa Barbara Drive and Evergreen along the east side of Bryan Road. The entire site measures 198' x 220' (43,560 total sq.ft.).

SURROUNDING ZONES: N: R-3 – Multi Family Residential
E: R-4 – Mobile & Modular Home
W: C-3 – General Commercial
S: R-4 – Mobile & Modular Home

EXISTING LAND USES: N: Residential
E: Residential
W: Commercial
S: Residential
Site: Commercial

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-2 is directly consistent to the GC designation.

Mr. Acevedo mentioned that there has been a daycare at the site for the past 12 years. He added that this item had been seen in the past as a conditional use permit but rather than continue seeing it as a CUP it was in the best interest to consider the rezoning instead. Mr. Acevedo mentioned that the tax office charges taxes based on the use of the property and this particular property is already charged as commercial.

Staff recommended approval.

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

Mrs. Elizabeth Funk at 500 N. Bryan Road, C-21 stated that she was not opposed to the rezoning her concern was more for the weedy lot, trash, trees, and was afraid of the animals that this may create if the property was not cleaned.

Mr. Acevedo stated her concern would be addressed by the Code Enforcement Department and the property would be cleaned up.

There being no further discussion, Chairman Sheats entertained a motion. Dr. Guerra moved to approve the rezoning as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:11 p.m.

Item #1.2

Rezoning: A 0.13 acre tract of land, being the West 75'

**of the East 902' of the South 105' of Lot 29-7,
West Addition to Sharyland Subdivision
AO-I to C-2
Yesenia Trevino**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 300' east of Conway Avenue along the north side of E. 2 Mile Road. The entire site measures 75' x 105' (7,875 total sq.ft.)

SURROUNDING ZONES: N: R-1T – Townhome Residential
E: R-1T – Townhome Residential
W: AO-I – Agricultural Open Interim
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Residential
E: Residential
W: Vacant
S: Institutional
Site: Commercial

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. Although the FLUM shows a Low Density Residential (LD) designation, staff notes the FLUM can be amended to reflect the C-2 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 calls or written complaints on the proposed rezoning.

Mr. Acevedo mentioned that there has been a daycare at the site for the past 7 years. He added that this item had been seen in the past as a conditional use permit but rather than continue seeing it as a CUP it was in the best interest to consider the rezoning instead.

Staff recommended approval.

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

Mrs. Yesenia Treviño stated that she has run her daycare at this location for about 7 years with no problems and now they were seeking to rezone the property.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11p.m.

Ended: 5:11 p.m.
Item #1.3
Rezoning:

A tract of land containing 1.783 acres of land, being the North 71.41' of the South 142.82' of the North 8 acres out of Lot 172, John H. Shary Subdivision AO-P to R-1T Mario A. Rodriguez

No action taken on this item.

Started: 5:11 p.m.
Ended: 5:11 p.m.
Item #1.4
Rezoning:

A tract of land containing 0.377 acres of land, being the North 71.41' of the South 142.82' of the North 8 acres out of Lot 172, John H. Shary Subdivision R-1 to R-1T Mario A. Rodriguez

No action taken on this item.

Started: 5:11 p.m.
Ended: 5:15 p.m.
Item #1.5
Rezoning:

A 0.521 acre tract of land out of the North 4.0 acres of Lot 172, John H. Shary Subdivision C-3 to R-1T Mario A. Rodriguez

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of U.S. Expressway 83 along the west side of Glasscock Road.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: R1-T – Townhome Residential
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Residential
E: Vacant
W: Vacant
S: Vacant
Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: The Future Land Use Map reflects a General Commercial (GC) land use. Although the FLUM shows a General Commercial (GC) designation, staff notes the FLUM can be amended to reflect the R-1T 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 calls or written complaints on this proposal.

RECOMMENDATION: Approval.

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

There were no comments.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:20 p.m.

Item #1.6

Rezoning: A 5.56 acre tract of land, being the N. 800’ of the East 370’ out of Lot 264, John H. Shary

Subdivision C-2 to C-3
Esteban Garcia

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile north of Griffin Parkway along the west side of Shary Road.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: AO-I – Agricultural Open Interim
W: R-1 – Single Family Residential
S: AO-I – Agricultural Open Interim

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

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation.

RECOMMENDATION: Approval.

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

Mr. Esteban Garcia stated that he was proposing to construct a Gold’s Gym and retail spaces that will complement the gym. Mr. Garcia mentioned that they usually do that in all of their developments.

Mrs. Marin asked if staff had received any opposition.

Mr. Acevedo stated that there was one person that wanted us to transmit the meeting via telephone because he was not able to attend but he didn’t mentioned if he was in favor or against the request.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the rezoning as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:20 p.m.

Ended: 5:24 p.m.

Item #1.7

**Rezoning: The East 100’ and all of Lots 11 & 12, save
And except the West 50’ thereof, Block 205,
Mission Original Townsite Subdivision
R-1 to C-2
Aniceto Izaguirre**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located along the south side of W. 13th Street between Perkins and Kika De La Garza Loop.

SURROUNDING ZONES: N: C-2 – Neighborhood Commercial
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Commercial
E: Abandoned Railroad ROW
W: Single Family Residential
S: Vacant

FLUM: The Future Land Use Map reflects a Low Density Residential (LD) designation.

REVIEW COMMENTS: The FLUM designation Low Density Residential (LD). On October 23, 2006, there was a City initiative to rezone this property from C-4 to R-1. However, on July 25, 2016 a similar C-2 request was approved just north on what used to be the old County Precinct #3 offices. It is also noted that a similar proposal for a Zumba studio at 12th Street and Keralum was also approved by the PNZ on July 22, 2015 in property zoned R-1. It is the same scenario, the applicant is requesting a rezoning in a property that had previously been rezoned by City.

RECOMMENDATION: Staff recommends approval of a C-2 Zoning.

Note: If the zoning is approved, the FLUM will be amended to reflect a commercial designation.

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

There were no comments.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos moved to approve the rezoning as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:31 p.m.

Item #1.8

Conditional Use Permit: **Restaurant in a Property Zoned (C-2)
Neighborhood Commercial
104 N. Mayberry Road, Ste. A
Lot 52, Mayberry Plaza Unit #2 Subdivision
C-2
Juan A. Cantu, Jr.**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NE corner of Mayberry Road and 1st Street. The property currently has a commercial building with a convenience store, a flower shop and a barber shop within. The applicant intends to open a BBQ Chicken Restaurant on the property. The property zoned is zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2).

- **Hours of Operation:** Tuesday – Saturday from 12 p.m. to 8 p.m., Sunday from 11 a.m. – 7 p.m., and Closed Monday
- **Staff:** 5
- **Parking:** The restaurant will have a total of 20 seats which requires 7 parking spaces (20 seats/3 = 6.67 spaces) and the existing barber shop, flower shop, and convenient store requires an additional 13 parking spaces for a total of 20 total parking spaces at this commercial development. The site currently has a

total of 17 parking spaces plus 3 stacking in convenient stores drive-thru thus in compliance with code. However the entire parking lot needs to be re-striped.

- **Landscaping:** The site has minimal green space. It seems that a lot of the green area and trees that may have existed have been removed, only some green areas remain. After the completion of the construction, Staff is recommending the installation of at least 3 trees being 7' tall and three (3') inch caliper after planting. We are also asking that the landscaped areas be maintained and irrigated.
- Must comply with all Building, Health and Fire Codes prior to obtaining a business license.

REVIEW COMMENTS: P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff believes that this proposal would not have a negative impact to the area since the hours of operation are reasonable and the CUP would actually require an upgrade in parking and landscaping.

RECOMMENDATION: Staff recommends approval for 1 year after business license issuance subject to:

1. Must re-stripe the parking lot;
2. Must comply with the landscaping code;
3. Must comply with Building, Health, and Fire Codes;
4. Must obtain a business license prior to business occupancy.

Mrs. Marin stated that she didn't feel comfortable imposing the re-striping and the landscaping requirements to the applicant since he was only leasing the space he was not the owner and ultimately it should be the property owner's responsibility to maintain the property.

Mr. Acevedo stated that P&Z could amend staff's recommendation if they wanted to do so.

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

There were no comments.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations but omitting the must. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:36 p.m.

Item #1.9

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic Beverages – Renee's of Sharyland
2600 E. Griffin Parkway**

**Being a 1.04 acre tract of land out of the
West 100' of the North 456' of Lot 246,
John H. Shary Subdivision
C-3
Renee's Bistro, LLC**

Mr. Jaime Acevedo went over the write-up stating that the 8,506 sq. ft. establishment is between Hackberry Avenue and Taylor Road along the south side of Griffin Parkway (F.M. 495). Renee's of Sharyland has been in operation at this location since 2000. In addition to the restaurant, the site has a coffee shop, a boutique, a nail & hair salon, and a spa. Recently, Renee's of Sharyland was sold by the previous owner and new management would now like to continue with the sale of alcohol and offer wine and beer to its bistro menu.

- **Hours of Operation:** Monday through Saturday from 7:30a.m. to 5:00p.m.,
- **Staff:** 8 employees in bistro restaurant
- **Parking:** The subject site has a total of 66 total seating spaces, which require 22 parking spaces (66 seats/1 space for every 3 seats = 22 parking spaces). It is noted that this location has 43 parking spaces which exceeds code.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius); thus a waiver of the separation requirement needs consideration.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes prior to obtaining a new business license.

RECOMMENDATION: Staff recommends approval subject to:

1. CUP to be valid for a period of 2 years or until their TABC license expires in 2019;
2. No objection to a waiver of 300' separation requirement from residences;
3. Must continue to comply with all Building, Fire, Health Codes, and the acquisition of a new Business License.

Mrs. Marin stated that since it was a new owner shouldn't staff be recommending a 1 year approval versus 2 years.

Mr. Acevedo stated that the direction given was that they be approved for the same period of time as their TABC license and usually TABC licenses are approved for 2 years.

Mrs. Marin stated that she understands but the new owner should prove that they are complying with all requirements first and then approve for more time when they renew the permit.

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

Mr. Frederick Mooji stated that he was willing to comply with staff's recommendations.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation but only for 1 year to assess the new owner. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 6:09 p.m.

Item #2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Whistling Duck Restaurant
1603 E. Griffin Parkway
Lots 10 & 11, Block 3, Shary Gardens Subdivision
C-3
Fred Hernandez**

Mr. Jaime Acevedo went over the write-up stating that the 5,274 sq. ft. establishment is located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). The applicant is proposing to open a bar & grille similar to the University Draft House in Edinburg their other establishment. If approved, the restaurant will offer high end farm to table craft food and craft beer.

- **Hours of Operation:** Monday through Wednesday from 11:00 am to 11:00 pm, Thursdays thru Saturday from 11:00a.m. to 2:00a.m., and Sundays from 11:00 am to 10:00 pm.
- **Staff:** 38-40 employees during different shifts.
- **Parking:** The subject site has a total of 170 total seating spaces, which require 57 parking spaces (170 seats/1 space for every 3 seats = 56.7 parking spaces). It is noted that this location has 116 parking spaces plus 3 stacking spaces at a drive-thru service window for a total of 119 parking spaces, which exceeds code by 1.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius); thus a waiver of the separation requirement needs consideration.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes prior to obtaining a business license.

RECOMMENDATION: Staff recommends approval subject to:

1. CUP to be valid for a period of 2 years or until their TABC license expires in 2019;
2. No objection to a waiver of 300' separation requirement from residential;
3. Must continue to comply with all Building, Fire, and Health Codes.

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

Mr. Jaime Morales stated that Fred Hernandez was the General Manager for the University Draft House in Edinburg and not the owner and he was one of the shareholders of the company. He added that currently it's an empty shell which they are going to fix up but would like the board to consider approving it for 2 years since they are going to invest a lot of money in this location.

Mrs. Marin stated that usually for new business they consider only 1 year since there is no history.

Mr. Cerda stated that he wanted to make sure that the Board understands that they are residents that live closer than the 300'.

Mr. Acevedo stated that this was the reason why staff was not in objection to the waiver of the 300' separation requirement from residential areas.

Mrs. Sharon Ellison who resides at 1604 E. 23 ½ Street stated that she is against this request because the area or space was not big enough, late hours were ridiculous no business there is open past 9 p.m. There will also be a problem with trash, noise, and traffic. Mrs. Ellison stated that currently people go through the church alley to get to Stewart Road so traffic would just get worst. Also their neighborhood would not be the same with a business that sell alcohol in that location.

Mr. Clifton Davis who resides at 1609 E. 23 ½ Street stated that he had a 3 year old granddaughter and he was just afraid something might happen to her because they usually walk near that area.

Mr. Manuel Mata who resides at 1611 E. 23 ½ Street stated that he has lived in that area for 13 years and it was a quiet neighborhood and most business in that location were offices. He added that most of the people take advantage and go behind the church to go to Stewart Road especially with the hours being proposed. He added this was going to create more traffic. Mr. Mata stated that he didn't think this type of business was appropriate for this area.

Mr. Ellison added that they didn't even had their TABC license yet and they are saying that they are going to invest a lot of money well the ceiling has been torn down and no construction has been done.

Chairman Sheats asked what was the property zoned.

Mr. Acevedo stated that it was zoned General Commercial which was appropriate for the type of business being proposed.

Mrs. Marin asked if there was an alley.

Mr. Acevedo stated that before the alley there was parking for employees and then they had an alley.

Mr. Dennis Burlison stated that he was a member of St. Peter's & St. Paul's Church. He stated that they were not strictly in opposition to a business that sells alcohol but he had some questions in regards to the rear door. He added that hopefully they would be emergency entrances and exits only. Mr. Burlison stated that he was going to talk to staff in the future regarding the fire lane that has been used by the neighborhood and he could understand why because if I had Stewart Road that close I would probably use it too. He mentioned maybe they could install speed bumps. Mr. Burlison stated that his concern was that if they were proposing to have an open entrance on the rear.

Mr. Morales stated that they are waiting on the City to approve the conditional use permit to continue with the construction and TABC will not accept the application until it is signed by the City and the City will not sign if the conditional use permit is not approved.

Chairman Sheats asked if they were proposing a stage.

Mr. Morales replied, "No".

Mr. Acevedo mentioned that they may recall Shotz Bar & Grill what they did in that case since they also had a back door the door was kept locked and they would throw the trash in the morning to avoid any noise problems.

Dr. Guerra asked if the opposition was more on the alcoholic beverages or the entire business.

Mrs. Ellison stated that it was the late hours and the entire business.

Mr. Cerda stated that the hardest thing was that the type of business was allowed in this area but at the same time the residents had concerns and he would like to keep the residents happy.

Mrs. Marin stated that she liked the idea but not for this location.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to deny the conditional use permit as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:09 p.m.

Ended: 6:17 p.m.

Item #2.1

Conditional Use Permit:

**4 Drive-Thru Service Windows
– Snow Ball Express #2
3124 N. Mayberry Road
Being 1.27 acres of land out of the
West 310' of the North 224' of Lot 28-9,
West Addition to Sharyland Subdivision**

C-3
Elgin Xavier

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SE corner of Mayberry Road and E. 2 Mile Road.

EVALUATION: The applicant has constructed a snow cone and snack stand and is requesting a CUP for 4 drive-thru service windows to be allowed at this location. The applicant applied for a building permit in October 2016 and has finished construction of his building and requires a CUP for the use of the drive thru service windows. Entrance to this site is derived from a driveway cut along Mayberry Road. The drive-thru service windows will be along the south sides and north sides of the building. The drive-thru lane allows for stacking of approximately 9 vehicles.

- **Days / Hours of operation:** Monday – Friday from 1 pm to 8 pm and Saturday and Sunday from 12 p.m. to 9 p.m.
- **Staff:** 4 employees
- **Parking:** There are a total of 20 striped parking spaces and a drive-thru lane that allows for that stacking of 9 vehicles for a total of 29 parking spaces at Snow Ball Express #2. For a snack stand of this size a total of 6 parking spaces are required, thus exceeding code.
- **Landscaping:** Complies with landscaping ordinance for the City.

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

RECOMMENDATION: Approval subject to a 1 year re-evaluation to assess this new operation.

Mr. Cerda asked if they could let them open the window prior to Council approval.

Mr. Acevedo stated that the applicant didn't want to risk his permit so he will wait until the City Council approves his permit. He added that in staff's recommendation they should include a fence and a speed bump.

Mr. Cerda asked if he was sure they wanted to include a fence because it was going to create problems in the future to have a fence abutting another fence.

Mr. Acevedo stated that it was a requirement to have a fence dividing commercial from the residential areas.

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

There were no comments.

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

Started: 6:17 p.m.

Ended: 6:23 p.m.

Item #2.2

**Conditional Use Permit: Drive-Thru Service Window
 – Raising Canes Restaurant
 125 S. Shary Road
 Lot 3, North Sharyland Commons Subd. (U/R)
 C-3
 Javier Sola**

Mr. Jaime Acevedo went over the write-up stating that subject site is located at the NE corner of Shary Road and Victoria Avenue.

EVALUATION: Raising Canes is in the process of constructing a restaurant at 125 S. Shary and is requesting a CUP for a drive-thru service window to be allowed at this location. The applicant has applied for a building permit and will be recording the subdivision prior to occupancy. Entrance to this site is derived from a driveway cut coming in from Victoria Avenue. There is also a driveway interface from the IBC bank just north of the restaurant that can be used to access Raising Canes. The drive-thru service window will be along the north side of the building. The drive-thru lane allows for stacking of approximately 6 vehicles.

- **Days / Hours of operation:** Sunday thru Thursday from 10 am to 11 pm and Friday thru Saturday from 10 am to 12 am.
- **Staff:** 17 employees
- **Parking:** The subject site has a total of 144 total seating spaces, which require 48 parking spaces (144 seats/1 space for every 3 seats = 48 parking spaces). There are a total of 57 striped parking spaces and a drive-thru lane that allows for that stacking of 6 vehicles for a total of 63 parking spaces, thus exceeding code.
- **Landscaping:** Proposed landscaping exceeds landscaping ordinance for the City.

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

RECOMMENDATION: Approval subject to a 1 year re-evaluation to assess this new operation.

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

Mr. Cerda asked if they could approve the CUP for a longer period of time.

Mr. Acevedo stated that if they do they would be setting precedence to others.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendation including the fence and speed bump. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:23 p.m.

Ended: 6:27 p.m.

Item #2.3

Conditional Use Permit:

**Drive-Thru Service Window
- Mini Max #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: In 2016, the applicant has purchased the long standing E-Z Mart Convenience Store and has been in operation at this location under the name Minimax No. 6. The applicant has a drive-thru service window that has been in operation for 1 year now without any reported incidents. Entrance to this site is derived from two driveway cuts along Los Ebanos, and two from Business Highway 83. The drive-thru service window is 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 continue to comply with all Building, Health, Fire, and Sign codes.

RECOMMENDATION: Approval for a 3 year period.

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

There were no comments.

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

Started: 6:27 p.m.

Ended: 6:30 p.m.

Item #2.4

Conditional Use Permit:

Drive-Thru Service Lanes for Banking Services

- Navy Army Community Credit Union

408 N. Shary Road

Lot 1, Navy Army Community Credit Union Subd.

C-3

Navy Army Community Credit Union

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 250' north of E. 4th St. along the east side of Shary Road. The lot measures 311.07' x 325' which equates to 97,895 sq.ft., 2.247ac net. The applicant has a bank at this location and is proposing to continue the use of 6 drive-thru lanes for banking services and 2 ATM lanes. Primary access to this financial institution is off of Shary Road.

- **Hours of Operation:** Monday – Friday from 7:30a.m. to 6:30p.m. and Saturdays from 9a.m. to 1p.m.
- **Staff:** 12 employees (in shifts)
- **Parking & Landscaping:** The bank measures approx. 6,400 sq.ft. which requires 19 parking spaces. There are 63 existing parking spaces, exceeding code by 44. The applicant is also exceeding the City's landscaping code, inclusive of landscape hedges along Shary Rd. with at least 1 tree for every 30' of frontage along Shary Road and 6' masonry trash enclosure with opaque gates. There is also a landscape hedge between the common access easement and the banking lanes in order to provide a buffer between the lanes and the residential uses to the east.
- Must continue to comply with the City's Building, Fire, and Sign codes.

REVIEW COMMENTS: This new bank has been a great asset to the area and should help create additional commercial uses along Shary Rd. The drive-thru lanes have enough stacking to accommodate over five vehicles per lane. The traffic from the lanes will face south away from the residential uses to the east. Notices were sent out to property owners within the 200' radius of the site. Staff has not received any comments for or against this request.

RECOMMENDATION: Staff recommends approval for life of use subject to this CUP not being transferable to others.

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

There were no comments.

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

Started: 6:30 p.m.

Ended: 6:36 p.m.

Item #2.5

**Conditional Use Permit: To keep a Portable Building
 – Car Sales Office Use
 916 W. Expressway 83
 Lot 1, Car-Mart Subdivision
 C-3
 Jesus Sanchez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the north side of U.S. Expressway 83 west of American Legion Post 93. The applicant is requesting authorization to place a 12' x 44' portable building for use as a car sales office.

- **Hours of Operation:** Monday – Friday from 9 am to 7 pm, and Saturdays from 9am to 6 pm.
- **Staff:** 3
- **Parking & Landscaping:** The car lot has 33 parking spaces where 4 are required, thus exceeding code. With regards to landscaping green areas exceed code and when this CUP was first approved a total of 9 shade/ornamental trees were required along the Expressway Frontage. Those trees were installed.

REVIEW COMMENTS: This CUP has been in existence since 2013. While the use of portable buildings is allowed via a CUP, the intent is for use to be temporary and that there eventually be a transition into a permanent building. Staff is recommending approval of this CUP for a period of 3 years but after this tenure, plans for a permanent structure at this location will be required.

RECOMMENDATION: Staff recommends approval subject to:

1. 3 year period after which a permanent building will be required;
2. Continued compliance with Building, Fire, and Sign Codes; and
3. CUP not transferable to others.

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

There were no comments.

There being no further discussion, Chairman Sheats entertained a motion. Dr. John Guerra moved to approve the conditional use permit as per staff's recommendation.

Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:36 p.m.

Ended: 6:45 p.m.

Item #3.0

Site Plan Approval:

Construct 10 Apartments

3305 Magdalena Street

Lot 10, Taurus Estates No. 10 Subdivision

R-3

Gerardo Rodriguez

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the Magdalena/Graham intersection along the west side of Magdalena. Site Plan approval is required prior to permit issuance for multi-unit complexes of five or more.

Viewing the site plan, there are two 2-Story Buildings, to be used as a multi-family apartment complex. Each unit has 979 sq. ft. of living area and the total square footage proposed for this development is for a total of 11,238 sq. ft. The building must comply with all fire code requirements for a multi-family 2 story building. There will be no open balconies along the building.

The minimum required setbacks for the site are: 20' front along Magdalena; rear setbacks of 4'; and 6' side setbacks. It is noted that all setbacks are in compliance.

As seen, one 30' driveway on to Magdalena 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 20 regular parking spaces. For a multi-family building of this size the City Code requires 20, therefore meeting code. Each occupant will have an individual residential trash bin which will be collected through alley.

This development will consist of 5' sidewalks along a small section of Magdalena. 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 areas. In addition, one light pole in each of the parking areas will be required.

When the plat was recorded, the park fee was levied at 6 units per lot @ \$200/unit— with the new upgrade in fees, the additional 4 units (see total of 10 proposed apartments) will require the new 4 @ \$300/unit = \$1,200 park fee to be imposed. In addition a \$480 sewer capital recover fee (4 @ \$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 above;
- 3) compliance with all building and fire codes;

- 4) \$480 sewer capital recover fees and \$1,200 park fees;
- 5) compliance with Fire Marshal's requirements.

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

Mrs. Marin asked what where 11 & 12.

Mr. Acevedo stated that it was parallel parking.

Mrs. Marin asked if it was allowed.

Mr. Acevedo stated that based on the code it was allowed.

Mr. Cerda asked that they include additional lighting.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the site plan as per staff's recommendation including handicap spaces, additional street lighting, trash can area to be designated, and check if parallel parking is allowed adjacent to the alley. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:45 p.m.

Ended: 6:51 p.m.

Item #4.0

Pre-Final Plat Approval:

Eduardo's Subdivision No. 15

A 6.64 acre tract of land out of Lot 34-3,

West Addition to Sharyland

Suburban ETJ

Developer: Diana Laura Izaguirre

Engineer: Izaguirre Engineering Group

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located ¼ mile north of 3 Mile Road between Troser Road and Los Ebanos Road. The developer is proposing 24 Single Family Residential lots all exceeding area requirements.

WATER: The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 8" line located along south side of Eduardo's #14 Subdivision. The existing 8" line will be run down along the east side of Maria Bonita Drive to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction or funds escrowed pending approval of SWSC water line access agreement.

SEWER: In regards to sewer, the developer is proposing to extend an 8" sewer line located along the south side of Eduardo's #14 Subdivision to Eduardo's #15. The proposed residential lots will be serviced by an 8" sewer line being extended from Eduardo's #14 along Maria Bonita Drive. The \$200.00/Residential Lot Capital Sewer

Recovery Fee will be imposed as required by Ordinance #4310, i.e. 24 lots X \$200.00/Lot = \$4,800.00. There will also be a \$260 sewer tap fee and \$58.50 Sewer Permit Fee imposed per lot x 24 lots = \$7,644.00.

STREETS & STORM DRAINAGE: The subdivision has frontage to Maria Bonita Drive a paved county road with 50' of ROW. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. Drainage for the subdivision is proposed through the use of 24" H.D.P.E. lines located within the proposed streets that will flow into a La Vista Drain ditch located along the westernmost area of the subdivision.

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. Comply with comments from the County Planning Department.

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

Mr. Cerda asked if they were in compliance with the sewer.

Mr. Acevedo stated that they were in compliance with the sewer.

Mrs. Marin asked if lot 15 will have entrance to Maria Bonita.

Mr. Acevedo mentioned that it would have access to Maria Bonita.

Mrs. Marin asked if they could include a plat note that states that lots 1 & 9 could only have access from La Silla Drive.

Mr. Acevedo stated that they could include that as part of their recommendation.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the subdivision plat as per staff's recommendation and including a plat note that states that lots 1 & 9 could only have access to La Silla Drive. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:51 p.m.

Ended: 6:54 p.m.

Item #5.0

Pre-Final Plat Approval:

Montecristo Subdivision

**A 9.522 acre tract of land being a portion of
Lot 12, Goodwin Tract No. 3 Subdivision**

R-1

Developer: Daniel Acevedo

Engineer: Halff Associates, Inc.

Mr. Jaime Acevedo went over the write-up stating that the proposed subdivision is located approximately ¼ mile north of W. Griffin Parkway (F.M. 495) along the west side of Inspiration Road. The developer is proposing 47 Single Family Residential lots all exceeding area requirements.

VARIANCE: To waive the \$14,100.00 park fees, to waive the \$7,931.04 sidewalks fees along Inspiration Road (660.92' x \$12 L.F.) in exchange for an outparcel of land for a City lift station (60.15' x 123.73' – 7,447 sq. ft. lot).

WATER: There is currently a 12" waterline on the along the west side of Inspiration Road. The developer is proposing to connect into the 12" water line at two points and looping water services within the proposed subdivision. Fire hydrants will be installed as per the Fire Marshal's direction.

SEWER: The developer will be connecting to an existing 8" sewer line along the west side of Inspiration Road.

STREETS & STORM DRAINAGE: The subdivision has access to Inspiration Rd., a future 100' ROW, 65' B/B Street. The developer will be dedicating an additional 30' of ROW along Inspiration Road to equate to the minimum 50' from centerline. The subdivision consists of a series of internal streets with a 50' ROW and a 32' B/B paved streets. Storm drainage is accomplished through a series of 24" storm lines which will connect into the Hidalgo County Drainage District No. 1 Mission Lateral.

RECOMMENDATION: Since the applicant is dedicating an outlot to the City of Mission for a much needed lift station, staff recommends approval to the variance and plat subject to:

1. Payment of Sewer Capital Recovery Fees at \$200.00/Lot = \$9,400.00
2. Provide Water District Exclusion
3. Comply with all other format findings
4. Subject to legal review on the dedication of the outparcel in exchange for the park fees and sidewalk fees (total equals \$22,031.04).

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

There being no discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the subdivision plat as per staff's recommendation. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:54 p.m.

Ended: 6:58 p.m.

Item #6.0

Tabled Conditional Use Permit: Drive-Thru Service Window

- El Valle Supermarket

**3201 N. Inspiration Road
Lots 170 & 171, Taurus Estates #2 Subdivision
C-3
Omar Perez**

Chairman Sheats entertained a motion to remove the item from the Table. Dr. John Guerra moved to remove the item from the table. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Jaime Acevedo stated that this CUP was previously tabled to access the on-site parking after learning that the site plan staff had on record was not representative of actual existing parking at the subject site. The attached aerial will depict the current parking at the location.

SITE: The subject site is located at the NW corner of Inspiration Road and Mile 2 Road. The existing "El Valle Supermarket" is approximately 4,800 sq. ft. and has an existing drive-thru service window located on the NE area of the building. The location of the services window provides enough stacking for four vehicles. Existing access to the site is from a 36' driveway along 2 Mile Road and a 36' driveway along Inspiration Road. This CUP was previously awarded by P&Z with a 3 year re-evaluation.

- **Days / Hours of operation:** Everyday from 7am to midnight
- **Staff:** 12 employees, 4 per shift
- **Parking:** When factoring the market and seating spaces available for dining, the site requires 18 parking spaces. The site currently has 17 parking spaces and stacking for 4 vehicles for a total of 21 parking spaces, exceeding code.

REVIEW COMMENTS: Applicant will have to continue to comply with all Building, Health, Sign, and Fire Codes.

RECOMMENDATION: Approval for life of use subject to CUP not being transferable to others.

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

There were no comments.

There being no discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendation. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:58 p.m.

Ended: 6:58 p.m.

Item #7.0

Tabled Pre-Final Plat Approval:

**Replat of Lots 3 and 4,
Stewart Plaza Subdivision**

**Being 3.057 acres of land, and all of
Lots 3 & 4, Stewart Plaza Subdivision
C-3**

**Developer: Canteras Enterprises
Engineer: Vanguard Enterprises**

No action taken on this item.

**ITEM #8.0
OTHER BUSINESS**

**ITEM #9.0
ADJOURNMENT**

There being no further items for discussion, Mr. Julio Cerda moved to adjourn the meeting. Dr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:58 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission