

**PLANNING AND ZONING COMMISSION
NOVEMBER 15, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Carlos Lopez
Diana Izaguirre

P&Z ABSENT

Jaime Gutierrez
Marisela Marin
Julio Cerda

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak
J.P. Terrazas
Brad Bentsen

GUESTS PRESENT

Raul C. Santiago
Jaime Sanchez
Victor Trevino
Jose Pedraza

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 for any item on the Agenda.

There was none.

APPROVAL OF MINUTES FOR OCTOBER 25, 2017

Chairman Sheats asked if there were any corrections to the minutes for October 25, 2017. Mr. Carlos Lopez moved to approve the minutes as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:03 p.m.

Item #1.1

Discussion of Action for an Amendment to Chapter 86, Article I, Section 86-2, Article II, Sections 86-41, 86-42, Article V, Sections 86-152, 86-153, 86-154, and 86-155

Mr. Jaime Acevedo went over the write-up stating due to recent United States Supreme Court rulings proposed amendments need to be made to billboard signage and to political signs.

Staff recommended 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. Ms. Diana Izaguirre moved to approve the item as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:06 p.m.

Item #1.2

Discussion and Action Amending Chapter 98 – Subdivision, Section 98-144 of the Mission Code of Ordinances to Allow the Usage of Park Zone Funds with City Council Approval for Regional Recreational Sites

Mr. Jaime Acevedo went over the write-up for this ordinance.

Mr. Brad Bentsen, Mission Parks Director, summarized the proposed changes to the board adding the Parks Board had already approved the changes and recommended 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. Ms. Diana Izaguirre moved to approve the item as per staff’s recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:24 p.m.

Item #1.3

REZONING:

**Lot 1, Yessica Pedraza Subdivision
C-1 to C-3
Jose Pedraza**

Mr. Jaime Acevedo stating the subject site is located along the north east side of E. Griffin Parkway (F.M. 495) between Orange Avenue and Lilac Avenue. The irregular site measures 35,926.00 sq. ft. or .825 acres.

SURROUNDING ZONES:

N: R-1 – Single Family Residential
E: C-2 & R-1 – Neighborhood Commercial & Single Family Residential
W: R-1 & C-1 – Single Family Residential & Office Building
S: R-1 – Single Family Residential

EXISTING LAND USES:

N: Vacant Residential
E: Residential
W: Residential & Commercial
S: Residential
Site: Vacant Commercial

FLUM:

General Commercial (GC)

REVIEW COMMENTS: Staff cannot support the proposed re-zone to C-3 due to the following:

- There are still residential homes abutting the property to the west and east;
- The C-3 request is not consistent to the surrounding land uses and zones;

RECOMMENDATION: Staff recommends denial of the General Commercial (C-3) request but supports consideration of a Neighborhood Commercial (C-2) designation.

Chairman Sheats asked if there were any comments or questions from the board or staff.

There was none.

Chairman Sheats asked if the applicant was present.

Mr. Jose Pedraza was present to address any questions the board may have.

Chairman Sheats asked if the board had any questions to the applicant.

There was none.

Chairman Sheats stated that he agreed with staff on the recommendation. He asked the applicant why he wanted to go to a C-3?

Mr. Pedraza said he wanted more business options to occupy the vacant building.

Ms. Izaguirre asked if the applicant if he knew the difference between a C-2 and C-3?

Mr. Acevedo explained the difference to the applicant.

Mr. Pedraza stated he was fine with a C-2.

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

Mr. Gerardo Cavazos stated he was in opposition to the C-3 and even the C-2 request citing heavy traffic and other issues with the businesses currently in that area. He suggested it be for a business with normal operating hours of 8-5, and not open on the weekends.

Mr. Jimmy Sanchez reiterated the same sentiments as Mr. Cavazos.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as a C-2. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:26 p.m.

Item #1.4

**CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic Beverages – Mission Event Center
200 N. Shary Road
Lot 1, Mission Event Center Subdivision (U/R)
C-3
City of Mission**

Mr. Acevedo went over the write-up stating that the subject site is located 1200' east of Shary Rd. along the north side of Convention Center Blvd. The proposed 39,820 sq. ft. building will be used for as a Conference Center to host both corporate and social events. Some of these events will include: business meetings, conferences, trade shows, special performances, wedding, reunions, birthdays, etc.

- **Hours of operation:** The event center will be open on Monday thru Sunday from 6:00 am until 1:00 am or as needed.
- **Parking:** Parking requirements meet code.
- **Landscaping:** Landscaping meets code.

In viewing the location map, there are single family residences located within three-hundred feet (300') to the south 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.

Thirty-one (31) notices were mailed to property owners within a 300' 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.

RECOMMENDATION: Staff recommends approval for a period of 2 years from issuance of TABC license and the waiver of the 300' foot requirement.

Chairman Sheats asked if there was anyone in the audience who objected to the conditional use permit.

There was no response.

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

Started: 5:26 p.m.

Ended: 5:31 p.m.

Item #1.5

**CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic Beverages - Sr. Mostacho
1512 E. Expressway 83, Suites 108 & 109
Lots 3 & 4, Stewart Plaza Ph. I Subdivision
C-3
Sr. Mostacho, LLC**

Mr. Acevedo went over the write-up stating the site is located on the SW corner of Stewart Rd. and Expressway 83. There is a commercial plaza located on the site which has an existing 1,400 sq.ft. vacant building that will be used for the proposed restaurant with the sale and on-site consumption of alcohol. Access to the site is provided from a 38' driveway off of Expressway 83. A CUP has been previously approved at this location on December, 2013 under El Costeno Restaurant and then again on June, 2015 for Cantina Blue, since the CUP was not transferable to others and a new operator is evident, this CUP needs to be considered once again. The restaurant will offer a variety of Tex/Mex foods on its menu.

- **Hours of Operation:** Monday – Sunday – 11:00 a.m. to 2:00a.m.
- **Staff:** 20 employees
- **Parking:** It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- **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.)

RECOMMENDATION:

Staff recommends approval subject to:

1. Waiver of the 300' separation,
2. Continued compliance with Building, Fire & Health codes,
3. CUP be approved for a period of two years, at which time the applicant will have to renew their TABC license and conditional use permit, and
4. Acquisition of a business license.

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

There were no comments.

Raul Santiago, representative for the applicant was present.

There being no further discussion, Chairman Sheats entertained a motion. Dr. 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 passed unanimously.

Started: 5:31 p.m.

Ended: 5:35 p.m.

Item #2.0

HOMESTEAD EXEMPTION

VARIANCE:

A 1.08 acre tract of land out of Lot 292,

John H. Shary Subdivision

1901 E. 2 Mile Road

AO-I

Everardo Sustaita Moreno

Mr. Acevedo went over the write-up stating the site his property is located 525' west of Glasscock Road along the north side of East 2 Mile Road. The 1.08 tract of land has 175' of frontage to 2 Mile Road by a lot depth of 269'. The appliance desires to build his single family residence thereon and is requesting that a Homestead Exemption Variance be granted. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

WATER: There is an existing 12" water line along the south side of 2 Mile Road. There is a fire hydrant already existing within 500' of the property so no additional hydrants are required.

SEWER: The site has access to an existing 10" sewer line located along the north side of 2 Mile Road. The capital sewer recovery fee is waived via the HVE.

STREETS & STORM DRAINAGE: This subdivision abuts Mile 2 a future 100' ROW, 65' B/B street. A minimum dedication of 50' of right-of-way shall be required from the centerline of Mile 2 as per the MPO Thoroughfare plan. Currently, there is a 25' ROW from centerline requiring an additional 25' of ROW to be dedicated along 2 Mile Road. Storm drainage will be accomplished through on-site detention.

OTHER COMMENTS:

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The street light requirement is also waived via the HEV.
- The park fees are also waived

RECOMMENDATION:

Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.) and the dedication of 25' of ROW along 2 Mile Road.

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. Ms. Diana Izaguirre Guerra moved to approve the homestead exemption variance as per staff's recommendations. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m.

Ended: 5:36 p.m.

Item #3.0

TABLED

**CONDITIONAL USE PERMIT: Sale and On-Site Consumption of Alcoholic Beverages – Arely's Event Center
1809 W. Griffin Parkway
Lots 9-11, Southern Oaks Subdivision
C-3
Daisy Vela**

Chairman Sheats entertained a motion to remove this item from the "Table". Dr. John Guerra moved to remove the item from the "Table". Mr. Carlos Lopez seconded the motion, upon a vote the motion was unanimously approved.

Mr. Jaime Acevedo stated the applicant has been asked to install some parking lights so that this item can be taken back to the PNZ. Since the parking lamps are not ready no action will be taken on this item until lighting is installed.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to take no action. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:40 p.m.

Item #4.0

**TABLED PRELIMINARY & FINAL
PLAT APPROVAL:**

**Villa IL Centenario Subdivision
Being a Resubdivision of 8.853 acres out
of Lot 161, John H. Shary Subdivision, and
Lot 1, Praxedis Garza Subdivision
R-1
Developer: Socrates Garrigos
Engineer: Melden & Hunt Inc.**

Chairman Sheats entertained a motion to remove this item from the "Table". Ms. Diana Izaguirre moved to remove the item from the "Table". Mr. Carlos Lopez seconded the motion, upon a vote the motion was unanimously approved.

Mr. Acevedo went over the write-up stating the plat was previously located along the east side of Stewart Road 1000' north of Trinity Road. The developer is proposing 36 Single Family Residential lots, all exceeding area requirements but Lot# 36 not meeting the frontage requirements for an R-1 lot.

VARIANCE: To have Lot #36 under the 60' lot width minimum required for a Single Family (R-1) Residential lot. It is noted that all of the lots exceed the area requirements for an R-1 lot.

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 existing 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. 36 lots X \$200.00/Lot = \$7,200.00.

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 195.49 lf = \$6,912.53. 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 Type A inlets connected to 24" RCP drainage line draining directly to the abutting Wilson Drain Ditch.

OTHER COMMENTS:

Escrow Park Fees (36 Lots X \$300.00 = \$10,800.00)

Installation of Street Lighting as per City standards

Install or Escrow 5' sidewalks along Steward Rd. (195.49' X \$12.00/L.F. = \$2,345.88)

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;
4. Must pay street widening fees; and
5. Lots currently in flood zone must be removed from flood zone prior to final plat approval.

Furthermore, Mr. Acevedo clarified the usage of the lot on the NW portion of the territory. Staff is still recommending that it remain a lot. We will work with the developer on the lot on the setbacks. Also, the City does not require that the property be removed from the flood zone.

Ms. Izaguirre asked for the City Engineer to address her previous question with respect to the flood zone.

Mr. J.P. Terrazas, City Engineer explained the City requires a base flood elevation on the plat and only the county requires a LOMAR.

Ms. Izaguirre asked what the base flood elevation is.

Mr. Acevedo replied, "110."

Chairman Sheats entertained a motion. Ms. Izaguirre moved to approve the subdivision plat as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 5:44 p.m.

Item #5.0

**PRELIMINARY & FINAL
PLAT APPROVAL:**

Mayfair Residence Subdivision

**Being a 21.59 acre tract of land out of
Lots 7 & 8 and the East 2.00 acres of
Lot 6, Rees Subdivision**

R-1

Developer: Union Design Developers

Engineer: South Texas Infrastructure Group

Chairman Sheats entertained a motion to remove this item from the "Table". Ms. Diana Izaguirre moved to remove the item from the 'Table". Dr. John Guerra seconded the motion, upon a vote the motion was unanimously.

Mr. Acevedo went over the write-up stating the subdivision is located at the NW corner of Stewart Road and Trinity Road. The developer changed the proposed 101 lot that was presented the last time to 80 Single Family Residential lots, all exceeding the area and frontage requirements of an R-1 lot.

WATER - The developer is proposing an 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 existing 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. 80 lots X \$200.00/Lot = \$16,000.00.

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. There is no additional ROW required

along Trinity. The developer will be widening Steward Road during the utility phase of this subdivision, no fees will be collected by City for street widening costs. 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 Type A inlets connected to 24" RCP drainage line draining into the nearby Hidalgo County Drain Ditch No. 1.

OTHER COMMENTS:

Escrow Park Fees **(80 Lots X \$300.00 = \$24,000.00)**

Installation of Street Lighting as per City standards

Install or Escrow 5' sidewalks along Trinity & Steward Rd. **(1985' X \$12.00/L.F.= \$23,820.00)**

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. Lots currently in flood zone must be removed from flood zone prior to final plat approval.

Mr. Acevedo further explained the developer presented a revised site plan evidencing 80 lots. The fees will be adjusted to reflect the change to the number of the lots. The subdivision will be a gated community.

Chairman Sheats entertained a motion. Dr. John Guerra moved to approve the subdivision plat as per staff's recommendations. Ms. Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #6.0
OTHER BUSINESS**

There was no other business.

**ITEM #7.0
ADJOURNMENT**

There being no further items for discussion, Ms. Izaguirre moved to adjourn the meeting. Dr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:45 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission