

PLANNING AND ZONING COMMISSION
JULY 11, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Jaime Gutierrez
Hector Moreno
Carlos Lopez
Diana Izaguirre
Julio Cerda

P&Z ABSENT

Marisela Marin

STAFF PRESENT

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

GUESTS PRESENT

David Cantu
Antonio Loranda
Raul Saenz
Emmanuel Marquez
Joe Rios, Jr.
Nydia Rios
Aaron Balli
Christine Alaniz
Jaime de la Garza
Gricell de la Garza
San Juanita Coronados
Cesar Sanchez
Ken Jones

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR JUNE 27, 2018

Chairman Sheats asked if there were any corrections to the minutes for June 27, 2018. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:03 p.m.

Item #1.1

Election of Vice Chairman

Mr. Jaime Acevedo requested no action on this item be taken at this current time.

Mr. Jaime Gutierrez moved to take no action on the item as per staff's recommendations. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:07 p.m.

Item #1.2

Rezoning:

Lots Seven (7), Eight (8), Nine (9) and the East 8' of Lot Ten (10), Block "E", Wright Addition Subdivision R-2 to R-3

Jose Alberto Vela

Mr. Jaime Acevedo went over the write-up stating the subject site is located near the E. 10th Street/Highland Park Avenue intersection.

SURROUNDING ZONES: N: R-2 – Duplex-Fourplex Residential
E: R-2 – Duplex-Fourplex Residential
W: R-2 – Duplex-Fourplex Residential
S: R-2 – Duplex-Fourplex Residential

EXISTING LAND USES: N: Public (Mission Library & Mission Art League Buildings)
E: Vacant
W: Multi-Family
S: Multi-Family
Site: Vacant

FLUM: Moderate Density Residential (MD)

REVIEW COMMENTS: The Future Land Use Map reflects a Moderate Density Residential (LD) land use. While R-3 is considered a High-Density land use, the request is more consistent with a Moderate Density land use. The applicant is proposing to construct 12 apartments units on three (3) R-2 lots. However, in property zoned R-2 the maximum number of units allowed per lot is 4. The proposal presented to staff shows 6 apartments units on 2 lots with the middle lot being used solely for parking. Thus, the need to rezone to R-3. It is noted that this area has a mixture of R-3 and R-2 zonings. 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.

RECOMMENDATION: Approval.

Chairman Sheats asked if there were any questions from the commissioners to Staff.

There was none.

Representative for the Applicant, Mr. David Cantu, was present to answer any question the Board might have.

Chairman Sheats reiterated that the Applicant's intent was to have additional parking for the units.

Mr. Cantu stated, "The intent is also to beautify and make it look nice, not just 3 units on three lots."

Chairman Sheats asked if there was any audience opposition.

Mrs. San Juanita Granados approached the board. Mrs. Granados was not in opposition to the rezoning, but asked whether or not the development would increase her property value. The Board referred her to the Hidalgo County Appraisal District.

Mr. Julio Cerda moved to approve the rezoning as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:17 p.m.

Item #1.3

Conditional Use Permit: Drive-Thru Convenience Store
1929 N. Conway
All of Lot 2D, being a Re-subdivision of all of Lot 2,
Re-subdivision of Lot 1, Mission Center Subdivision
C-3
Argento Properties, LTD

Mr. Jaime Acevedo went over the write stating the applicant is proposing a drive-thru convenience store at the commercial development at 20th Street and Conway. The owner of the laundromat has purchased the abutting property to the north and would like to construct a drive-thru convenience store and a fenced in recreational/play area to complement the laundromat business. Traffic into the drive-thru would from 20th Street and exit back from either of the current driveways on 20th or Conway. The drive-thru lane allows stacking for approximately 5 vehicles.

- **Days / Hours of operation:** Every day from 8:00a.m. to 12:00a.m.
- **Staff:** 3 employees
- **Parking:** With regards to parking it is noted that this development parking is held in common. A total of 25 parking spaces will be shared by the laundromat and this drive-thru convenience store.
- **Landscaping:** The proposed landscaping complies with landscaping ordinance for the City.

REVIEW COMMENTS: A total of 15 notices were mailed to the property owners within 200 feet. One property owner did come in to discuss the proposed operation. His concern was the sale of alcohol from this location. After explaining to the citizen that the owner will not be selling alcohol at this location, he was in full support of the proposal.

RECOMMENDATION: Approval subject to complying with Health and Fire department for their Business License and a 1 year re-evaluation.

Mr. Acevedo added that out of all the notices that were sent, there was one inquiry as to the sale of alcohol for the drive-thru. Although the City cannot impose what will be sold at convenience stores.

Chairman Sheats asked if there were any questions from the Commission to Staff about this Item.

Representative for the Applicant, Mr. Cesar Sanchez, was present to answer any question the Board might have.

Chairman Sheats asked about Mr. Sanchez about the applicant's intent to sell alcohol.

Mr. Sanchez said, "There will be no alcohol."

Ms. Diana Izaguirre asked how long it will take to complete the project.

Mr. Sanchez replied, "About six months."

Chairman Sheats asked for public comment from anyone in the audience.

Mr. Joe Rios approached the Board stating his opposition to the drive thru convenience store selling alcohol. He inquired as to the one year provision for the conditional use permit.

Mr. Acevedo clarified the one year is from the time the business opens.

Mr. Rios has lived in the area over thirty years, he spoke to the surrounding neighbors who are all in agreement about the "no selling" of alcohol. He asked if the conditional use permit was transferrable to somebody else.

Mr. Acevedo stated, "The Conditional Use Permit is not transferrable to others."

Chairman Sheats asked if there was any other audience opposition.

There was none.

Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations and to check in six months to check if the Applicant is selling alcohol. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:17 p.m.

Ended: 5:21 p.m.

Item #1.4

Conditional Use Permit:

Sale & On-Site Consumption of Alcoholic
Beverages – Ranch House Burgers II
409 N. Bryan Road, Suites 104 & 105
Lot 1, City Plaza Subdivision
C-3
Ranch House Burgers II
c/o Christine Alaniz

The site is located within a commercial plaza located on the Northwest corner of Matamoros Street and Bryan Road. The applicant has operated at this location since early 2015 and the PNZ most recently approved a CUP for the Sale and On-Site Consumption of Alcoholic Beverages at this location on January 23, 2017. Mrs. Alaniz is proposing to continue to offer the sale of beer, margaritas, etc. at restaurant.

- **Hours of Operation:** Monday – Wednesday from 11am – 9pm, Thursday - Friday from 11am to 12am, and Sunday from 10am to 4pm
- **Staff:** 10-15 employees
- **Parking:** There are 158 total seating spaces, which requires 53 parking spaces (158 seats/3 space for every 3 seats = 53 parking spaces). It is noted that the parking area is held in common (87 existing parking spaces) with other smaller suites.
- **Landscaping:** There is existing landscaping along Bryan Road and is in compliance with code.

REVIEW COMMENTS: Ranch House Burgers is a family-oriented restaurant that successfully acclimates to its commercial location. Although there is a small bar sitting area, the restaurant is not open past 9 p.m.

Since the sale of alcohol is not the primary intent of the applicant, staff does not object to this proposal. Additionally, notices were sent to property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION: Staff recommends approval of this CUP for a period of two years at which time the applicant will have to renew their TABC license and Conditional Use Permit.

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

Mrs. Christine Alaniz, Applicant, was available to answer any questions the Board might have.

Chairman Sheats asked the Applicant if she was planning on expanding?

Mrs. Alaniz stated, "We are looking to move to another property in Mission. We are still negotiating."

Chairman Sheats asked if there were any audience opposition.

There was none.

Mr. Carlos Lopez 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: 5:21 p.m.

Ended: 5:23 p.m.

Item # 1.5

Conditional Use Permit

Renewal:

Sale & On-Site Consumption of Alcoholic
Beverages – Yoko's Sushi Restaurant
122 S. Shary Rd. Ste. K
Lot 2, Home Depot Subdivision #2
C-4
Yoko's Sushi Restaurant LLC

Mr. Jaime Acevedo went over the write-up stating this CUP was first approved by P&Z on October 14, 2009 and most recently renewed on June 8, 2015. The 1,400 sq.ft. restaurant is located 1,200' north of Expressway 83 along the west side of Shary Rd. within a commercial plaza- see vicinity map.

- **Hours of Operation:** Sunday – Wednesday from 11:00a.m. to 10:30p.m. and Thursday - Saturday from 11:00a.m. to 2:00a.m. Alcoholic beverages are only served during allowable State selling hours.
- All parking, landscaping, and sign codes are being met.
- There have been no negative incidents relating to the CUP within the past year.

Since there are no churches or schools within 300' of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

RECOMMENDATION: Staff recommends approval of this CUP for a period of now until November 24, 2019 at which time the applicant will have to renew their CUP and TABC license.

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

There was none.

Chairman Sheats asked if there were any audience opposition.

There was none.

Ms. Jaime Gutierrez moved to approve the conditional use permit as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:23 p.m.

Ended: 5:27 p.m.

Item #2.0

Homestead Exemption

Variance:

1 acre tract of a 1.53 acre tract of land out of
Lot 25-9, West Addition to Sharyland Subdivision
AO-I
Emmanuel Marquez

Mr. Jaime Acevedo went over the write-up stating this tract is located along the north side of Griffin Parkway (F.M. 495) ¼ mile west of Bryan Road. The irregular lot with access to Griffin Parkway totals 1.53 acres. The applicant is requesting a Homestead Exemption Variance to build his single-family residence thereon. 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 – The applicant is proposing to connect to an existing 4” water line located along the alley between his property and Palm Acres No. 2 to provide water service to the lot.

SEWER – The applicant is proposing to connect to existing 4” sanitary sewer line located along the alley between his property and Palm Acres No. 2 to provide sewer services to the lot. The capital sewer recovery fee is waived via the HVE.

STREETS & STORM DRAINAGE – The subject site has frontage to Griffin Parkway (F.M. 495), which has a 100’ ROW with a 65’ B/B paved street. No additional ROW will be requested. Drainage will be onsite.

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.).

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

There was none.

Ms. Diana Izaguirre moved to approve the homestead exemption variance as per staff's recommendation. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:27 p.m.

Ended: 5:33 p.m.

Item # 3.0

Single Lot Variance:

A tract of land containing 4.97 acres,
more or less, being part or portion out of
Lot 29-7, West Addition to Sharyland Subdivision
2012 N. Conway
AO-I
Centro Familiar Cristiano El Buen Pastor
c/o Jaime De La Garza

Mr. Jaime Acevedo went over the write-up stating this property is located approximately ¼ north of E. 2 Mile Line along the east side of Conway. The irregular site measures a total of 4.97 acres. The purpose of this Single Lot Variance (SLV) is to comply with the subdivision ordinance so that a permit can be issued for the construction of a multi-purpose building to be used by the church.

WATER & SEWER: Water and sewer facilities are existing and onsite at the church building and will be extended. As of this writing, the Fire Chief had not advised Staff if a fire hydrant will be required. We will have direction of whether or not a fire hydrant will be required by the meeting date. As required with all new subdivisions, a Capital Sewer Recovery may be assessed on institutional uses depending on the projected flows. The City of Mission will review the plans and assess an applicable fee based on the projected flows as per ordinance No. 3022.

STREETS: The property has frontage to Ramirez Lane. However, the church has no intentions of extending Ramirez Lane beyond its current location. Long term plans for this acreage for the church include youth soccer fields and a walking trail. Storm drainage will be accomplished through on-site detention.

OTHER COMMENTS:

- If not already, the property must be excluded from the United Irrigation District.

RECOMMENDATION: Staff recommends approval subject to:

1. Providing proof of exclusion from the water district.
2. Installation of fire hydrant(s) as recommended by the Fire Chief.
3. Submittal of a paving and grading plan.
4. Acquisition of a building permit for the construction.

Savings: \$6,000-\$15,000 Engineering Fees

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

There was none.

Pastor De La Garza was present to answer any questions the Board might have.

Chairman Sheats asked where he plans to place the Pavilion.

Mr. Acevedo showed the Board where the Pavilion will be placed.

Ms. Diana Izaguirre inquired as to fire hydrants on the property.

Mr. Acevedo pointed out various fire hydrants to the Board.

Pastor De La Garza also pointed out that there is another fire hydrant on the property in front of the Church.

Ms. Diana Izaguirre moved to approve Item #3.0 as per staff's recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:44 p.m.

Item # 4.0

**Preliminary & Final
Plat Approval:**

Stewart Cove Subdivision
A 6.01 acres out of Lot 26-12,
West Addition to Sharyland Subdivision
R-1A
Developer: Aaron Balli
Engineer: Hinojosa Engineering, Inc.

Mr. Jaime Acevedo went over the proposed subdivision is located on the ¼ mile North of Griffin Parkway (F.M. 495) along the west side of Stewart Road. The developer is proposing 18 single-family residential lots.

WATER - The developer is proposing a lopped 8" water line for all 18 residential lots. This 8" looped system will tie into an existing 8" water line along the west side of the property and will be extended to an 8" water line along the west side of Stewart Road 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 west side of the property. The Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance

#4310. The fee for every residential lot is \$200 so equating to \$3,600. The fee will need to be paid prior to permit issuance.

STREETS & STORM DRAINAGE

The subdivision has frontage to Stewart Rd., which is a future 80' ROW 57' B/B street. There is an additional 20' of ROW proposed which will comply with the requirement of 40' from centerline. The developer will be widening Stewart 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 will be via a series of inlets connected via a 24" inch storm drain line connecting to City's storm drain line located on the west side of Stewart Road.

OTHER COMMENTS

Escrow Park Fees (18 Lots X \$300.00 = \$5,400.00)

Installation of Street Lighting as per City standards

Install sidewalks along Stewart Road

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; and
3. Must pay the capital sewer recovery fees.

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

Ms. Diana Izaguirre pointed out the radiance of the cul de sac is not meeting code.

Mr. Acevedo stated that we could impose an 80' radiance of the cul de sac subject to approval.

There was none.

Aaron Balli, Applicant, was available to answer any questions the Board might have.

Mr. Balli confirmed his engineer would be able to make the cul de sac change to reflect 80' turn around.

Mr. J.P. Terrazas, City Engineer, explained the implementation of a new ordinance with respect to a 10 year storm retention plan to a 25 year retention plan.

There was discussion amongst the Board and Staff with respect to the implemented ordinance and general questions about drainage.

Mr. Julio Cerda moved to approve the subdivision plat approval as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:44 p.m.

Ended: 5:50 p.m.

Item # 5.0

**Preliminary and Final
Plat Approval:**

Mayberry Court Subdivision
5.00 acres out of Lot 27-8,
West Addition to Sharyland Subdivision
R-1
Developer: Aaron Balli
Engineer: Hinojosa Engineering, Inc.

Mr. Jaime Acevedo went over the write-up stating the proposed subdivision is located on the ½ mile South of E. 2 Mile Road along the west side of Mayberry Road. The developer is proposing 17 single-family residential lots.

WATER - The developer is proposing a lopped 8" water line for all 17 residential lots. This 8" looped system will tie into an existing 8" water line coming in from Ashbrook Subdivision along Keralum Avenue and extended to an 8" water line along Mayberry Road 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 coming in from Ashbrook Subdivision along Keralum Avenue. The Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310. The fee for every residential lot is \$200 so equating to \$3,400. The fee will need to be paid prior to permit issuance.

STREETS & STORM DRAINAGE

The subdivision has frontage to Mayberry Rd., which is a future 80' ROW 57' B/B street. There is an additional 20' of ROW proposed which will comply with the requirement of 40' from centerline. The developer will be widening Mayberry 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 will be via a series of inlets connected via a 24" inch storm drain line connecting directly into the Mission Lateral which abuts the property to the north.

OTHER COMMENTS

Escrow Park Fees (17 Lots X \$300.00 = \$5,100.00)
Installation of Street Lighting as per City standards
Install sidewalks along Mayberry Road
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; and
3. Must pay the capital sewer recovery fees.

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

There was discussion about the cul de sac issue for the subdivision.

Mr. Aaron Balli was present to address any questions from the Board.

There was no further discussion.

Ms. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. Jaime Gutierrez 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, Mr. Carlos Lopez moved to adjourn the meeting. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:50 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission