

PLANNING AND ZONING COMMISSION
MAY 22, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Raquenel Austin
Ruben Arcaute
Debra Lee Alvarez
Diana Izaguirre
Javier Barrera
Hector Moreno

P&Z ABSENT

Jasen Hardison

STAFF PRESENT

Jaime Acevedo
Maribel Quintanilla
Jessica Muñoz
Susie De Luna
Officer Chapa

GUESTS PRESENT

Lombardo Bazan
Alma Bailey
Yolanda Garza
Juan D Silva
Irma L Johnson
Grant Siegler
Jorge Hernandez
Diane Luther

Dennis Luther
Martin Mendoza
Irene Garza
Nohemi Martinez
Orfa De Leon
Paula B Weeks
Jorge Ancer
Garrett Edward

Nydia Terrazas
Dalia Ancer

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:30 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR MAY 8, 2019 Chairwoman Izaguirre asked if there were any corrections to the minutes for May 8, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:40 p.m.

Item 1.1

REZONING:

Tract No. 38, of an unrecorded plat of Melba Carter Subdivision of the Resubdivision of the South ½ of Lots 15-7, and 15-8, West Addition to Sharyland, and Tract No. 40 being the East 1 acre of the West 11.28

Acres out of 35.71 acres out of the South ½ of Lots
15-7, and 15-8, West Addition to Sharyland,
containing 35.71 acres
R-1 to C-3
Orfa De León

SITE: The subject site is located 500' east of Conway Boulevard along the south side of Melba Carter. The lot has 71.41' of frontage to Melba Carter and a lot depth of 610'.

SURROUNDING ZONES: N: C-3 – General Commercial
E: R-1 – Single Family Residential
W: C-3 – General Commercial
S: I-1 – Light Industrial

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

Site: Vacant

FLUM: Industrial (I)

REVIEW COMMENTS: While the future land use map does show this area as industrial, the reality is that we have seen a growth of residential homes in the Melba Carter Subdivision. The City has invested in various improvements over past several years. These improvements include street lights, sidewalks, and several CDBG homes. It is also noted that a recent request for R-3 multi-family was recently denied making it clear that the council would like to keep this area as single family residential.

RECOMMENDATION:
Denial.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Yolanda Garza approached the board expressing her concerns. Kid's safety issues, lack of privacy and high density of people. She said that residents like to keep it nice and quiet in the neighborhood. Also, proposed to sell as residential and not as general business.

Mrs. Nohemi Martinez is in opposition to the request. Her main concerns are kid's safety and high density of people driving around. She also stated that her son rides his bike every evening and if rezoned kids won't be able to ride bikes anymore or play outside due to heavy traffic.

Mrs. Irene Garcia a former teacher was also present and in opposition to the request. She stated that as a teacher she observes a lot of things and kids look at that place as a safe heaven for them, they play and ride bikes every day. Sell it as residential if it's possible, that way people can build more homes not businesses.

The applicant was present. She stated that her intention is to rezone the property to commercial and sell it. She also mentioned that she heard people's opinions and respect them. She will respect whatever the board grants.

There being no further discussion, Mrs. Debra Lee Alvarez moved to deny the request as per staff's recommendation. Mrs. Raqueneel Austin seconded the motion.

Started: 5:40 p.m.

Ended: 5:43 p.m.

Item #1.2

CONDITIONAL USE PERMIT: To Place a Portable Building for Office Use
2300 W. Mile 3 Road
Being 3.86 acres of Lot 22, New Caledonia
Subdivision
C-3 (General Business)
Miguel de Leon

Mr. Acevedo went over the write up stating that the subject site is located near the NE corner of Moorefield Road and West Mile 3 Road. The almost 4-acre commercial track dimensions of the lot are 321.5' x 367.2 or 118,047.6 sq. ft. The property was annexed by the City in 2014 and has operated as an auto mechanic shop and used car lot since the early 90's. The used car lot had been closed and a new operator is seeking to reopen a fenced in area in the 4 acres for the sale of used cars. An existing 24' x 16' building on block piers is being proposed to be used as an office for the sale of used autos.

- **Hours of Operation:** Monday – Saturday 8:30 a.m. to 7 p.m.
- **Staff:** 2
- **Parking:** Currently there are no parking spaces dedicated for the car lot, if approved, this type of use will require 4 parking spaces prior to any occupancy.
- **Landscaping & Lighting:** The used car lot must also have some landscaping along the frontage to Mile 3 Road prior to any occupancy. This can include a combination of 3 – 7" caliper trees, grass, and shrubs spaced every 3' in the green areas.

REVIEW COMMENTS: With regards to this site, it appears that the portable building was constructed onsite. This property is also commercially zoned. Staff does not foresee any problems with the office and business proposal.

RECOMMENDATION: Staff recommends approval subject to: 1) a one-year reevaluation, 2) installation of paved parking area, and 3) the installation of landscaping along Mile 3 Road.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Alvarez asked if the parking space was going to be paved.

Mr. Acevedo responded that it can be concrete or asphalt.

Mr. Barrera asked if it can be caliche.

Mr. Acevedo replied “ no”.

There being no further discussion, Mr. Ruben Arcaute moved to approve the conditional use permit request as per staff's recommendation. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:47 p.m.

Item #2.0

PRELIMINARY & FINAL

PLAT APPROVAL:

Crown Pointe Phase VIII

Being a Resubdivision of 3.088 acres out of Lot 221, John H. Shary Subdivision R-1A (Large Lot Single Family)

Developer: Chris Voss

Engineer: Urban Infrastructure Group, Inc.

PLAT DATA

The proposed subdivision is the 8th Phase of the Crown Point Subdivision located approximately 1/3 of a mile North of Business Highway 83 along the East side of Stewart Road. The developer is proposing 7 Large Lot Single Family Residential lots.

WATER

When utilities for Crown Point Phase VII were constructed, an 8” looped water line was installed for this future phase. The only thing that is pending is the service connections for the 7 proposed lots. One fire hydrant will be installed in this phase of the development pursuant to the direction of the Fire Marshal.

SEWER

In regards to sewer, the developer is proposing to extend an 8” sewer network along the north side of Madison Home Lane and then extending north for the last and final Phase IX of Crown Point. The Capital Sewer Recovery Fee 7 residential lots X \$200.00/Lot= \$1,400.00

STREETS & STORM DRAINAGE

The developer is proposing to extend Madison Hope Lane to the east and then to the north for the future phase of Crown Point. This extension will be 50' ROW, 37 B-B Streets. As for the storm drainage, the developer is proposing surface runoff from the lots into the proposed streets. The runoff will flow west draining into existing Type "A" inlets, which will drain into an existing 24" to 48" storm lines. These lines are part of a drainage system that flows north along Stewart Road and ultimately draining into the Mission Lateral.

OTHER COMMENTS

- Dedication of water rights
- Park Fees in the amount of \$500 per lot x 7 = \$3,500
- Must provide a street light plan for review by Staff.

RECOMMENDATION

Staff recommends approval subject to:

1. Must pay capital sewer recovery and park fees.
2. Dedication of water rights.
3. Compliance with the Model Subdivision Rules
4. Must comply with City's street alignment policy

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There was none.

There being no further discussion, Mr. Javier Barrera moved to approve the Preliminary & Final Plat Approval request as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:50 p.m.

Item #3.0

**PRELIMINARY & FINAL
PLAT APPROVAL:**

Capricorn Estates Subdivision
Being a 9.43 acre tract of land, more or less,
out of Lot "F", B.L. Millers Resubdivision
of Lots 16 - 20, Mission Groves Estates
Mission ETJ
Developer: LLAAG, LLC
Engineer: Homero L. Gutierrez

PLAT DATA

The proposed subdivision is near the intersection of Moorefield and West Griffin Parkway (F.M. 495) along the south side of Griffin Parkway. Currently, the proposed subdivision is outside of the city limits. However, the developer has filed a petition of voluntary annexation with the City and the proposed subdivision will be annexed by the time it is completed. During the annexation process this property will be rezoned to Single Family Residential or R-1. The Hidalgo County Planning Department has been contacted and they are allowing the City of Mission to be the lead and have the subdivision built to City of Mission Standards. The developer is proposing 43 Single Family Residential lots.

WATER

In regards to water, the developer is proposing to extend an 8” water line from Griffin Parkway and bring it back out to a different section also along Griffin Parkway creating a looped system. Fire hydrants will be installed in this development as recommended by the Fire Marshal.

SEWER

In regards to sewer, the developer is proposing to extend an 8” sewer line from the south side of Griffin Parkway into the proposed 43-lot subdivision. The Capital Sewer Recovery Fee 43 residential lots X \$200.00/Lot= \$8,600.00

STREETS & STORM DRAINAGE

The developer is proposing to extend streets from Griffin Parkway. This extension will be 50’ ROW, 37 B-B Streets. As for the storm drainage, the developer is proposing surface runoff from the lots into the proposed streets. The runoff will flow west draining into existing Type “A” inlets, which will drain into a propose drainage pond. This drainage pond will discharge into a TXDOT drainage system along Griffin Parkway.

OTHER COMMENTS

- Dedication of water rights
- Park Fees in the amount of \$500 per lot x 43 = \$21,500
- Must provide a street light plan for review by Staff.

RECOMMENDATION

Staff recommends approval subject to:

1. Must pay capital sewer recovery and park fees.
2. Dedication of water rights.
3. Compliance with the Model Subdivision Rules
4. Must comply with City’s street alignment policy

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There was none.

There being no further discussion, Mr. Ruben Arcaute moved to approve the Preliminary & Final Plat Approval request as per staff's recommendation. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:40 p.m.

Ended: 6:44 p.m.

Item #4.0

TABLED

CONDITIONAL USE PERMIT: Restaurant in a property zoned (C-2)
Neighborhood Commercial
2015 N. Shary Road, Suite 5
A 0.57 acre tract of land out of
Lot 244, John H. Shary Subdivision
& Lots 1-3, Boriquen Subdivision
C-2
Jorge Ancer

Chairwoman Izaguirre entertained a motion to remove item from tabled. Mr. Ruben Arcaute moved to approved the motion. Mr. Hector Moreno seconded the motion.

Mr. Acevedo went over the write up stating that the site is located at the SW corner of Shary Road and Summer Breeze. The property currently has a multi-unit commercial building under construction. The applicant intends to open a small sandwich shop 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:** Monday – Friday from 9 a.m. to 9 p.m., Saturdays from 10 a.m. to 7 p.m., and Sundays from 12 p.m. to 7 p.m.
- **Staff:** 3
- **Parking:** The interior layout of the restaurant has still not been determined. The commercial complex has a total of 56 parking spaces that will be held in common. Staff will monitor the businesses that occupy the commercial development so that parking codes are met. For a restaurant code requires 1 parking space for every 3 seats.
- **Landscaping:** The site is still under construction but Staff has approved a landscaping plan for this development.
- Must comply with all Building, Health and Fire Codes prior to obtaining a business license.

REVIEW COMMENTS: The P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. However, in a previous request at this location on January of 2019, the residents of Summer Breeze heavily opposed the consideration of a CUP for a taqueria with drive-thru window at this development. The proposed sandwich shop will not have a grease trap, will not have a drive-thru window, nor will it have the extended hours of a taqueria. In addition, the

applicant has talked to some of the neighbors in hopes of reaching an agreement with the residents of Summer Breeze and has agreed to install a solid buffer to the north and west of his development. Prior to this, the applicant has also agreed to close off all access to Summer Breeze. Staff believes that the applicant is working with his neighbors and that the proposed sandwich shop would not have a negative impact to the area since the hours of operation are reasonable.

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

1. Must comply with parking requirements;
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.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

Mr. Dennis Luther is in opposition and stated that the owner bought the property cheap and rezoned it, it is not fair for the residents that live there, most of the families are against the proposal.

Mrs. Alma Bailey is also in opposition. Her main concern is traffic and believes that subdivisions with cul-de-sac should have different rules because there is only 1 entrance and exit.

Juan D. Silva is in opposition. He stated that he would like any kind of store but not a restaurant. It looks that none of the board members and city employees are listening to the citizen's concerns. Employees are blocking the entrance all the time and they are not listening to the city's recommendation.

Garret Edward is in opposition. His main concerns are kid's safety, drainage and parking.

Grant Siegler is also in opposition. His main concerns are drainage and trash. He stated that other business have the trash dumpster inside a concrete wall and residents that live around the area seem happy.

Mrs. Paula Weeks is also in opposition. Her concerns are drainage and landscape.

Chairwoman Diana Izaguirre stated that we had agreed on a 8' masonry fence.

Mr. Acevedo stated that as far as the trash, we are looking into where to place it. We want to move it as far as possible from Summer Breeze residents but seems that they don't like that either.

Chairwoman asked that it will not be noticeable.

Mr. Acevedo responded "correct".

Mr. Javier Barrera asked where the dumpster would be placed.

Mr. Acevedo responded and said south west corner.

Mr. Acevedo reiterated the issue about the drainage report. It is being looked by the city and the drainage committee.

Mr. Javier Barrera stated that they are here to approve a conditional use permit and that they are getting off track discussing something else.

Mr. Acevedo agreed and stated that we are here to discuss item 4.0 to approve or disapproved the item for a sandwich shop.

Chairwoman Diana clarifies about the entrance to the citizens. She said that it will be off Shary Road and not Summer Breeze.

There being no further discussion, Mr. Javier Barrera moved to approve the Conditional Use Permit request as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #5.0
OTHER BUSINESS**

There was no other business.

**ITEM #6.0
ADJOURMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mr. Hector Moreno seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:19 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission