

**SPECIAL PLANNING AND ZONING COMMISSION
DECEMBER 2, 2008
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Raul Sesin
Luann Caudle
Marisela Marin
Ned Sheats
Mario Garza
Jose G. Vela

P&Z ABSENT

Henry Rodriguez

STAFF PRESENT

Bobby Salinas
Jaime Acevedo
Irasema Dimas
Roberto Salinas

GUEST PRESENT

Otoniel Martinez
Joe B. Garza
Jeff Underwood

CALL TO ORDER

Vice-Chairwoman Caudle called the meeting to order at 5:11 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

City Planner Jaime Acevedo asked the board to skip item 1.1 since Chairman Sesin was running late and he had a couple of questions on the item.

Started: 5:23 p.m.

Ended: 5:28 p.m.

Item# 1.1

Conditional Use Permit:

**To Expand the Authorized Hrs. of Operation
Until 2:00 a.m. for the 'Sale & On-Site
Consumption of Alcoholic Beverages'
@ "Shotz Bar & Grill Restaurant"
2530 E. Griffin Parkway, Suite C
Lot 12, Sharyland Plaza Subdivision
C-3
Life of Use
Otoniel Martinez**

Mr. Acevedo went over the write-up stating that this item was denied by P&Z on May 28, 2008, and after an appeal, later approved by the City Council on June 23, 2008, with the following conditions: 1) on-site consumption only, 2) 1-year re-evaluation, 3) acquisition of a business license, 4) waiver of the 300' radius requirement that the 'bar' component should be away from residential areas, and 5) limit the hours for the sale of alcohol until 12:00 a.m. midnight. The applicant has complied with all of the conditions that were imposed by the City Council. In the daily operation however, his upper middle class

clientele's primary request is to extend his hours because this induces them to just go elsewhere; thus, the motivating intent of this CUP to extend the alcoholic sales until 2:00 a.m.

Shotz Bar & Grill employs a total of 22 part-time/full-time employees in the 3,000 sq.ft. building with a total of 109 seating spaces. A call to Mission P.D. revealed that since Mr. Martinez started his operation in October 2008, there have been no calls of any incidents at this location.

A point of interest in the City's government's frame of reference for similar CUP's is Juancho's Mexican Restaurant & Bar. On October 27, 2008, the City Council re-evaluated and approved a CUP for the "Sale & On-Site Consumption of Alcoholic Beverages" until 2:00 a.m. Like Juancho's, Shotz also abuts a residential subdivision. The difference between Juancho's and Shotz is the crowd and music. Shotz is an upscale bar and grill that caters to business professionals as opposed to Juancho's which attracts a younger college crowd. Juancho's also hires live rock bands as opposed to Shotz, which usually has mellow solo acoustic performers. Thus, it appears that with the direction given by the City Council to Staff on Juancho's where there had been more than a few calls made but given a 2:00 a.m. timeline, that it would be consistent to approve Shotz' request to close at 2:00 a.m., too. Since the governing body of Mission approved a very similar CUP in late October until 2:00 a.m., Staff does not object subject to 1-year re-evaluations.

Chairman Sesin walked in at 5:25 p.m.

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

Mr. Martinez, the applicant was present to answer any questions.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:12 p.m.

Ended: 5:15 p.m.

Item # 2.0

Pre-Final Plat Approval:

**Carolina Subdivision No. 1
A 10.99 ac. tract of land being a
Portion of Lot 18, block 3,
Texan Gardens Subdivision**

Rural ETJ

Developer:

Juan Jose Peña Jr.

Engineer:

Javier Hinojosa Engineering

Mr. Salinas went over the write up stating that the proposed subdivision was located on the SW corner of Mile 4 and Texan Road. The subdivision consists of a total of 9 lots. All lots meet the City's access policy, which requires a minimum width of 100' in order to access a major thoroughfare.

Water: Resolution # 1085 suspends any approval of residential plats in LJWSC area due to their ongoing water capacity and water pressure concerns. However, the council has approved of those that provide letters of 'No Objection' from the Texas Water Development Board and TCEQ. As such, any approvals of such residential plats are made subject to those letters. The developer is providing water by tapping into an existing 8" LJWSC waterline located on the southeast corner of Mile 4 and Texan Road, then running an 8" line west to the proposed subdivision – see utility map. The developer is providing two fire hydrants via input from Mission's Fire Marshal.

Sewer: The sanitary sewer service for this subdivision is addressed by individual on site sewage facilities of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN.

Street & Storm Drainage: The developer is dedicating 20' of additional ROW to Texan Road and 20' of additional ROW along Mile 4 as required by MPO. Drainage for the subdivision is proposed through the use of swales located in the rear of each property – see HCDD # 1 approved drainage report. The rear swales will also have to be connected to Texan's roadside ditch, which will have to be re-graded via county guidelines.

Staff recommended approval subject to: 1) must submit the letters of 'No Objection' from TWDB and TCEQ, 2) meeting the Model Subdivision Rules, which include all necessary water, sewer, and drainage reports and notes from the Hidalgo County Planning Department, 3) swales connecting to Texan and re-grading Texan's roadside ditch, and 4) comply with format findings.

Vice-Chair Caudle asked if there were any questions from the board.

There being none, Vice-Chair Caudle entertained a motion. Mr. Sheats moved to approve the plat as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:18 p.m.

Item # 3.0

Pre-Final Plat Approval

**Carolina Subdivision No. 2
A 9.26 ac. tract of land being a
Portion of Lot 1, Block 7,
Texan Gardens Subdivision
Rural ETJ**

**Developer: Juan Jose Peña Jr.
Engineer: Javier Hinojosa Engineering**

Mr. Salinas went over the write up stating that the proposed subdivision was located on the NE corner of Mile 4 and Texan Road. The subdivision consists of a total of 12 lots. All lots meet the City's access policy, which requires a minimum width of 100' in order to access a major thoroughfare.

Water: Resolution # 1085 suspends any approval of residential plats in LJWSCC area due to their ongoing water capacity and water pressure concerns. However, the council has approved of those that provide letters of 'No Objection' from the Texas Water Development Board and TCEQ. As such, any approvals of such residential plats are made subject to those letters. The developer is providing water by making 6 taps into an existing 8" LJWSC waterline located on the south side of Mile 4 and extending dual services for each two lots – see utility map. The developer was not required to provide fire hydrants since there are existing hydrants located on the south side of Mile 4.

Sewer: The sanitary sewer service for this subdivision is addressed by individual on site sewage facilities of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical 1/2 acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN.

Street & Storm Drainage: The developer is dedicating 20' of additional ROW to Texan Road and 20' of additional ROW along Mile 4 as required by the MPO. Drainage for the subdivision is proposed through the use of swales located in the rear of each property – see HCDD#1 approved drainage report. The rear swales will also have to be connected to Texan's and Mile 4' roadside ditches, which will have to be re-graded via county guidelines.

Staff recommended approval subject to: 1) must submit the letter of no object from TWDB and TCEQ, 2) meeting the Model Subdivision Rules, which include all necessary water, sewer, and drainage reports and notes from the Hidalgo County Planning Department, 3) swales connecting to Texan and 4 Mile and re-grading Texan's and Mile 4's roadside ditches, and 4) comply with format findings.

Vice-Chair Caudle asked if there were any questions from the board.

There being none, Vice-Chair Caudle entertained a motion. Mr. Garza moved to approve the plat as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:22 p.m.

Item # 3.1

Request by Hunt Valley Industrial, L.P. to have San Marino Subdivision as a "Gated Community"

Mr. Salinas went over the write up stating that San Marino Subdivision was located approximately 250' west of Shary Road on the south side of Los Milagros Subdivision. Phase I of San Marino contains 12 single-family lots that were recorded in June 2008 with a series of 4 new public streets. As with other gated communities that the Planning & Zoning Board has considered and approved, these streets would now be considered non-public (private) with the Homeowner's Association being responsible for the monthly street lighting bill, the maintenance and incidental sweeping of streets, and the desired type of gate/lock first be approved by the Fire Department and Police Department. Also, attached you will find the City Attorney's Hold Harmless Agreement imposed on the affected lots of San Marino. Subsequent phases of San Marino will go through the same process during the subdivision stage of development and will need to follow the same requirements for privatization.

Staff recommended approval subject to: **1)** lien agreement signed/recorded by the HOA, **2)** HOA is responsible for the monthly street lighting bill, **3)** HOA is responsible for all street maintenance, inclusive of storm drainage and sidewalks, and **4)** prior approval of gate/locking mechanism by Fire and Police Department. Mr. Salinas also added that another condition would be for the streets to be dedicated as common areas by separate instrument.

Vice-Chair Caudle asked if there were any questions from the board.

Mrs. Marin asked if the Home Owners Association was already in place.

Mr. Jeff Underwood from Hunt Development replied that it was and they have provided a letter acknowledging the streets to be private.

Mr. Salinas added that Hunt was the owner of all the lots within the subdivision which is different compared to other previously recorded subdivisions where various owners normally would have to sign a petition approving the gated community.

There being no further comments, Vice-Chair Caudle entertained a motion. Mrs. Marin moved to approve the request as recommended by staff. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

3.0 OTHER BUSINESS

There was none

4.0 ADJOURNMENT

There being no further items for discussion, Mr. Vela moved to adjourn. Mrs. Caudle seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:29 p.m.

Raul Sesein, P.E., Chairman
Planning and Zoning Commission