

**PLANNING AND ZONING COMMISSION  
FEBRUARY 18, 2009  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Raul Sesin  
Ned Sheats  
Henry Rodriguez  
Mario Garza  
Jose G. Vela  
Marisela Marin

**P&Z ABSENT**

Luann Caudle

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Jaime Acevedo  
Guillermo Seguin  
Roberto Salinas, P.E.  
Irasema Dimas

**GUESTS PRESENT**

Alberto Ocaña  
Imelda Sanchez  
Dora Luz Gandaria  
Jaime Sanchez  
Jesus H. Ruiz  
Lucia De Luna  
Tere Benavidez  
Mercedes Falcon  
Sylvia Vasquez  
Sylvia Casanova  
Claudia Barrera  
Anel Garza  
Jesus Vargas  
Oscar Sifuentes  
Mr. & Mrs. Jose O. Garza  
Mr. Fred L. Kurth, P.E.  
Fr. Craig G. Carolan

**CALL TO ORDER**

Vice-Chair Sheats called the meeting to order at 5:01 p.m.

**CITIZENS PARTICIPATION**

There was no response upon inquiry.

**APPROVAL OF MINUTES FOR JANUARY 28, 2009**

Vice-Chair Sheats asked if there were any corrections to the minutes. There being no corrections. Mr. Garza moved to approve the minutes as presented. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:11 p.m.**

**Item# 1.1**

**Rezoning:**

**Lot 1, Ocaña Subdivision  
AO-I to R-3  
JECRG Interest, Inc.**

Mr. Bobby Salinas went over the write up stating that the site was approximately at 2 ½ mile juncture of Mayberry Road (west side). This acreage was annexed by the City of Mission in January 2009. This sector was recently evaluated by both the P&Z and the City Council where both boards perceived that a Low Density (LD) Residential land use would be the better long-term use for the area. LD is typically reflective of R-1 zoning. The surrounding land uses include: SF Residential to the North & South; Open acreage to the East and West. He stated that the utilities in the area included a 5" water line and an 8" sewer line. (NOTE: any apartments would mandate an increased looped water line to meet the city's minimum fire codes. A copy of the platted lot, imposing the desired R-3's formula against the lot's square footage for 2 bedroom units equates to a maximum of 22 units. The site currently shows an existing 4-plex on the property (thus 18 more apartments could be permitted if approved).

Mr. Salinas stated that viewing the above, the following was observed:

- ❑ not consistent to the adjoining SF Residential land uses.
- ❑ not consistent to the interim zoning district of AO-I with R-1 generally anticipated.
- ❑ not consistent to the recently updated FLUM designation of LD Residential
- ❑ adding a maximum of 18 additional units (if 2 bdrm. units) is not seen as in the best interests of the general area.
- ❑ existing water utilities are under-sized for additional units; if approved, a minimum of an 8" looped water line would have to be extended outside the future pavement width of Mayberry (inducing acquisition by owner of off-site utility easements).

He stated that based on the above staff was recommending denial to the request.

Vice-Chair Sheats asked if there was any public opposition to the request.

Mr. Alberto Ocaña from 3507 N. Mayberry Road stated that due to the economic situation he was totally against the rezoning and the annexation.

Vice-Chair Sheats asked if the applicant or representative were present.

Mr. Rolando Garcia president of JECRG stated that his company bought the property from a bank foreclosure and that the original plans were to construct more apartments for a total of 10 units. He stated that value of the proposed units was a total of \$270,000 and that they expect for the value of the taxes to be increased at least for that amount.

Vice-Chair Sheats asked if they were aware that they wouldn't be able to build until the property was properly rezoned.

Mr. Garcia replied that they found out when they bought the property and were in the process of applying for a permit at the county and they were informed that the City of Mission was in the process of annexing the area. At that point the county informed them that they would have to wait until the area was annex because they were not going to issue a permit.

After a brief discussion, Vice-Chair Sheats entertained a motion. Mr. Rodriguez moved to deny the request. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

**Started: 5:11 p.m.**

**Ended: 5:14 p.m.**

**Item# 1.2**

**Conditional Use Permit:**

**To place a 5.5' X 10.6' Portable Building for the Sale of Sno-Cones, Corn, & Snacks  
407 La Lomita St.  
S. 120' – W. 130' S. 1/2 of Block 8  
Citriana Heights Subdivision  
C-3  
Life of Use  
Yadira Trejo**

Mr. Jaime Acevedo went over the write up stating that the CUP was originally approved on 5/9/07 and then again on 7/9/08 at this location. Since the CUP was not transferable to others and a new operator is being proposed, this CUP needs to be re-considered.

He stated that the subject site was located at the NE corner of Lomita Avenue and Del Mar Drive. Existing entry and exiting to the site was from a pair of 24' driveway cuts along Del Mar Drive, and a 24' driveway cut along Lomita Avenue. Hours of operation for the portable building are Monday through Saturday from 11:00 a.m. to 11:00 p.m. Mrs. Trejo was proposing a total of 3 part-time employees operating the snack stand. The portable building was set in a concrete landing along the south side of the property between the 24' driveways. When this CUP was first awarded, the applicant installed additional trees and shrubs to improve aesthetics. Parking was in order since many that were washing cars or conducting business at Elizondo's Tires merely walk over. Finally, staff was alerted that restroom facilities were available at Elizondo's Tires (abutting business to the north). If the hours do not coincide,

arrangements were made at Foy's across the street to the south. Staff recommended approval subject to a 1-year re-evaluation.

Vice-Chair Sheats asked if there was any public opposition.

There was no response.

Vice-Chair Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, Vice-Chair Sheats entertained a motion. Mr. Garza moved to approve the CUP as recommended by staff. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:14 p.m.**

**Ended: 5:17 p.m.**

**Item # 1.3**

**Conditional Use Permit:**

**To Place a Hot Dog Stand for the Sale  
of Hotdogs & Hamburgers  
2310 W. Business Highway 83  
Lots 49 & 50  
Ala Blanca #2 Subdivision  
C-3  
Life of Use  
Oscar Sifuentes**

Mr. Acevedo went over the write up stating that Mr. Sifuentes desired a CUP to be allowed to place a 3' x 5' portable trailer for the sale of hamburgers and hotdogs at the Marjane's Beauty Salon located at 2310 W. Business 83. The days/hours of operation are: Monday – Sunday from 6:00 p.m. to 12:00 a.m. Mr. Sifuentes and one other part-time employee would be the only employees. Mr. Sifuentes and his wife Maria are the current owner/operators of Marjane's Beauty Salon and of the commercial complex on Lots 49-50. Access to running water and a restroom facility would be through their salon. They were proposing to install the portable trailer in a sidewalk area in front of the easternmost wall of the commercial complex, inline with the front of the building. Since this portable building would be serving Marjane's customers, parking would remain as to what was currently available to the stores customers. Staff recommended approval subject to: **1)** 1 year re-evaluation and **2)** acquisition of a business license.

Vice-Chair Sheats asked if there was any public opposition.

There was no response.

Vice-Chair Sheats asked if the applicant or representative were present.

Mr. & Mrs. Sifuentes were present to answer any questions.

There being no discussion, Vice-Chair Sheats entertained a motion. Mr. Vela moved to approve the CUP as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:17 p.m.**

**Ended: 5:17 p.m.**

**Item# 1.4**

**Conditional Use Permit:**

**To have a Primary Residence on the  
2<sup>nd</sup> Floor of the Commercial  
Establishment on Property zoned C-3  
106 N. Conway Avenue  
Lot 4, Block 35  
Mission Original Townsite  
C-3  
Life of Use  
Ricardo Melendez**

Mr. Acevedo asked the board members to take no action on the item.

Chairman Sesin walked in at 5:17 p.m.

**Started: 5:17 p.m.**

**Ended: 5:21 p.m.**

**Item # 1.5**

**Conditional Use Permit:**

**Home Occupation- Registered  
Home Day Care  
1309 Jacob Street  
Lot 258, Southern Oaks Phase III  
R-1  
Life of Use  
Lucia De Luna**

Mr. Acevedo went over the write up stating that the subject site was at the NW corner of Jacob Street and Jorgeanna Street. The applicant has her SF residence thereon with paved driveway access off of Jacob Street. A field visit revealed that there was a 24' wide driveway leading to a one-car garage. This area would be utilized to safely drop-off and pick-up children, and provide off-street parking for staff and customers as well. If approved for 1 year, we can

assess if on street parking near the intersection is a concern; if so, additional parking may be required from Jorgeanna. There was also a sidewalk from the driveway leading to the home's front door. Staff has alerted the applicant that if approved, a solid wood buffer would likely be considered to be imposed within 4-6 month time frame. The days/hours of operation are: Monday-Friday from 7:00 a.m. to 5:30 p.m. with herself as the only employee. The applicant is proposing to care for 4 children at a time (maximum permitted - 12). Of course, if approved, DFPS certification would be mandated as we have imposed to others. Any signage would also have to comply with the requirements of section 1.56-1 of the Zoning Ordinance regulating home occupations. Mr. Acevedo mentioned that a petition favoring the request was submitted and it equates to 60% of the neighbors within 200 feet.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** DFPS certification, **3)** comply with Sect. 1.56-1 of the Zoning Ordinance, **4)** replace chain link fence with solid wood buffer at the end of 6 month's from Business License issuance, and **5)** acquire a business license.

Chairman Sesin asked if there was any public opposition.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Mrs. Lucia De Luna was present to answer any questions.

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

**Started: 5:21 p.m.**

**Ended: 5:26 p.m.**

**Item# 1.6**

**Conditional Use Permit:**

**Home Occupation- Registered**

**Home Day Care**

**2811 Oblate**

**Lot 54, Pueblo Del Norte Phase II**

**R-1**

**Life of Use**

**Imelda Sanchez**

Mr. Acevedo went over the write up stating that a CUP for a 'Registered Family Home' was originally approved by P&Z for 'Life of Use' on 6/28/00. 8 years

later, the Texas Department of Human Services Commission (DHS) had passed all Residential Licensed Child Care Operations to the Texas Department of Family and Protective Services (DFPS). One major change since this CUP was awarded was, that there are no more "Registered Family Homes" in the State. All residential home occupations are now classified as 'Registered Home Day Cares'. A major change for P&Z to consider was that DFPS now permits up to 12 children under the age of 14 to be enrolled in a home-based child care operation, or 6 per caretakers. Prior regulations limited the total number of children under the age of 14 to a maximum of 6 at any give time. Since the State no longer recognizes "Registered Family Homes" and since the applicant was now licensed as a "Registered Home Day Care", the applicant must now apply for a CUP for a 'Registered Home Day Care'.

He stated that the subject site was along the west side of Oblate Avenue at the Oblate/29<sup>th</sup> Street intersection. The applicant has her SF residence thereon with paved driveway access off of Oblate Avenue. A field visit revealed that there was a 24' wide driveway leading to a 20' x 24' building which at one time was a garage. The driveway is used to safely drop-off and pick-up children, and provides off-street parking for staff and customers as well. The 20' x 24' building has a covered walkway that attaches this structure to the main two-story residence. A 6' wooden fence buffer surrounds the entire back yard of the residence. Currently, there are no sidewalks required at Pueblo Del Norte Phase II Subdivision. P&Z may mandate the construction of sidewalks if they see there may be a need for them. At the time of Staff's field visit the applicant had some signage and characters that exceeded the allowable 1 square footage of signage. The home was about 30' to the street. The applicant averages to care for 6 children at a time (maximum permitted - 12). The days/hours of operation are: Monday - Friday from 7:00 a.m. to 9:00 p.m. with herself and another caretaker as the only employees. The 9:00 p.m. closing hour appears late; other have been at 6:00 p.m. or 7:00 p.m. only.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this operation, **2)** DFPS certification, **3)** comply with Section 1.56-1 of the Zoning Ordinance on signage, and **4)** scale down the closing hour from 9:00 p.m. to 7:00 p.m.

Chairman Segin asked if there was any public opposition.

There was no response.

Chairman Segin asked if the applicant or representative were present.

Mrs. Imelda Sanchez was present to answer any questions.

Chairman Sesin asked Mrs. Sanchez if she was willing to remove the signs that were violating the ordinance and if she was also willing to change the closing hours from 9:00 p.m. to 7:00 p.m., like the other registered homes.

Mrs. Sanchez replied, 'Yes'.

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

**Started: 5:26 p.m.**

**Ended: 5:43 p.m.**

**Item # 1.7**

**Conditional Use Permit:**

**To Construct a Party Rental Hall  
On Property zoned AO-I  
The South 1.58 acres of Lot 13,  
Goodwin Tract Subdivision No. 3  
AO-I  
Life of Use  
Jesus H. Ruiz**

Mr. Acevedo went over the write up stating that the subject site was ½ mile north of Griffin Parkway (FM 495) along the west side of Inspiration Road. The applicant proposed to construct a 100' x 160' (16,000 sq.ft.) party rental hall or ballroom on property zoned AO-I. He stated that such use was typically in a C-3 zone. Due to the site's location, a C-3 would be spot zoning; thus, the default alternative of a CUP. Section 1.36 Agricultural Open Interim (3) n allows for CUP consideration for 'Other uses which, as determined by the Planning and Zoning Commission, are not contrary to the purposes established for this district.

The type of activities that Mr. Ruiz would be hosting range from weddings, quinceañeras, Christmas parties, reunions, birthday parties, seminars, and business conferences. The proposed hours of operation would vary depending of the type of activity; however, most events are during the evenings and on weekends and typically take place during the hours of about 7:00 p.m. to 2:00 a.m. The proposed maximum occupancy would be determined by the Fire Marshal.

Based on the information and site plan provided, 160 parking spaces are required and 187 parking spaces are being proposed. He mentioned that the single point of access was via a 24' driveway onto Inspiration Road. No grading plan was provided though this is a building permit issue. If approved, a solid buffer would be required to all abutting residential uses.

The Zoning Ordinance states, "such uses must provide sufficient buffering and sound insulation of the building such that the building was not visible and cannot be heard from such structures or areas, and must be designed to prevent disruption of the character of adjacent residential areas". It is clear that the intent of the City's Ordinance is to protect, in this case, the nearby residential areas of El Valle, Las Palmas, Inspiration Acres, and Inspiration Manor from noise. In the past P&Z and the City Council has approved the construction of similar ballrooms if proper insulation was installed. Though other ballrooms have been similarly used and no complaints have been registered, Planning observes that this 16,000 sq.ft. building would be larger than any other ballroom in Mission (Mario's Ballroom = 10,000 sq.ft. and Corinthian's Ballroom = 11,529 sq.ft.)

Being sensitive to the families at El Valle, Las Palmas, Inspiration Acres, and Inspiration Manor (and the residential reserve in their Master Plan), where the 300' separation of the City's ordinance is heavily infringed upon to residential areas and a public school, staff has no recourse but to recommend denial. He also stated that if the P&Z was inclined to entertain conditional approval, the board could impose the following: **1)** intensive sound insulation must be mandated, **2)** widen 24" driveway onto Inspiration to 36' (left turn), **3)** landscaping to meet code, **4)** yearly re-evaluations of CUP to assess any noise issues/complaints, **5)** acquisition of a Business License which includes clearance from Fire, etc., **6)** waive the 300' separation of such uses to residential and institutional areas, **7)** the property must be subdivided, **8)** buffering to any (future) adjoining residential areas, **9)** 5' sidewalks along Inspiration Road (and future street), and **10)** On-site security (inside and outside) during events.

Chairman Sesin asked if there was any public opposition.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Mr. Jaime Sanchez, the designer and builder of the project, stated that he was representing the owner Mr. Jesus H. Ruiz and that he would like to thank the board for allowing them to present the proposal before them. He mentioned that if approved the proposal would meet all subdivision and building code requirements and it would exceed soundproof requirements. Mr. Sanchez affirmed that they would meet all the requirements imposed by staff.

Chairman Sesin asked Mr. Zavala what the FLUM designation for the proposed area was.

Mr. Zavala stated that it was Low Density Residential.

Mr. Sanchez mentioned that if there were a need to shift the building further to the west, they would comply. He stated that there was ample room to comply with any requirements from the board.

Mr. Sheats mentioned that if they were to move it further to the west the ballroom would be closer to the future residential area.

Mr. Sanchez replied that if there were a need to shift it to the west, they would re-design the proposed residential area.

Mr. Sheats asked if the proposed residential area belonged to the applicant.

Mr. Sanchez replied, 'Yes'.

Mr. Sheats mentioned that he was also concerned that any future residents would have to put up with too much noise and fumes from the parking lot. He was also concerned with the fact that there would only be one entrance to the facility.

Mr. Sanchez replied that the building would be a concrete building with soundproof material and in reference to the entrance they could re-design the parking layout to include another entrance through Inspiration Road.

Mr. Garza mentioned that he was pleased with the second recommendation from staff that if the board decided to approve the conditional use permit it would have to meet several requirements.

Chairman Sesin asked Mr. Zavala about the widening of Inspiration Road.

Mr. Zavala responded that Inspiration Road was not one of the priority issues for the city and that it was still a two-lane road.

After a brief discussion, Chair Sesin entertained a motion. Mr. Garza moved to approve the CUP as recommended by staff's 2<sup>nd</sup> recommendation. Mr. Rodriguez seconded the motion. Upon a vote the motion passed 4-2 with Mr. Sheats and Chairman Sesin voting against the request.

**Started: 5:43 p.m.**

**Ended: 5:47 p.m.**

**Item # 1.8**

**Conditional Use Permit:**

**Institutional Use in an Agricultural**

**Open Interim zone  
The E. 66' of Lot 6, and all of Lot 7  
& 8, exc., the N. 0.33 acres of Lot 7  
& 8, Rees Subdivision  
AO-I  
2 years  
San Cristobal Magallanes &  
Companions Church**

Mr. Acevedo went over the write up stating that the subject site was at the NW corner of Stewart Road and Trinity. The San Cristobal Magallanes & Companions Church desires an official Conditional Use Permit for religious classes from the horse stable facility owned by Dr. Padula, which are zoned Agricultural Open Interim (AO-I). Currently, the Church has limited space for their youth classes, so Dr. Padula authorized them to use his facilities on Friday's from 4:45 p.m. until 7:00 p.m. Staff was made aware that this activity has been ongoing for about 1 year. The church has staggered the drop-off and pick-up times of those attending in order to minimize the amount of traffic created by the classes. The first hour of instruction has approximately 100 students that attend and the second hour has about 70 students that attend. So that parking and traffic was not an issue, parents are encouraged to carpool and to drop off their students and return to pick them up after classes conclude. If a students are not ready when parents show up, parents can park on a paved parking facility that can easily accommodate up to 16 cars. This parking facility can also be utilized to safely drop off and pick up students. A total of 7 Catechists and 6 parent volunteers would be onsite to give the religious lessons as well as facilitate with the flow of traffic. Since all instruction was conducted strictly by appointment and to members only, there was no signage being proposed for this activity. Finally, Father Craig Carolan has alerted Staff that Dr. Padula's property would only be used for 18-24 more months, the timeframe for completion of their new church at the Sharyland Plantation. Finally, the existing hydrants are over 400' – 500'. In order to satisfactorily protect the children/occupants and the building, one hydrant was recommended. (Applicant can pay for the hydrant and the City could install). Staff recommended approval subject to: **1)** getting a fire inspection clearance, **2)** maximize parking to be off of Stewart Road's ROW, and **3)** 1 fire hydrant.

Chairman Sesin asked if there was any public opposition.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Father Craig Carolan was present to answer any questions.

After a brief discussion, Chairman Sestin entertained a motion. Mr. Vela moved to approve the CUP as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:47 p.m.**

**Ended: 5:57 p.m.**

**Item # 2.0**

**Request by Susana Flores to have a Sign Structure not Consistent to Sect. 1.56-1 (b) of the Zoning Code to an Approved Home Occupation CUP at 3804 N. Inspiration**

Mr. Zavala went over the write up stating that the site was at the 2 ½ mile juncture of Inspiration Road. The lot was an inner lot with platted dimensions of 108' width x 177' depth where her 2-story home was located. Mrs. Flores' request is to have signage that could be seen from Inspiration road. The dilemma of visibility had been confirmed via a site-visit and was summarized below:

- ❖ The house is 85' from the northbound lane, and is 97' from the southbound lane;
- ❖ The site is an inner lot thus, does not have the casual visibility that delayed/regulated traffic incidentally offer at traffic control points;
- ❖ Going northbound, there is a line of trees that substantially blocks her home;
- ❖ Going southbound, there are several shade trees that substantially block her home;
- ❖ Looking directly eastward, the structure is obscured by palms/lush shrubs/trees;
- ❖ Though the speed limit is 30 mph, typical traffic averages 40-50 mph, which passersby hardly notice the residence, much less a 1' x 1' sign.

The CUP for a hair salon was approved in September 2005. There was no opposition during Flores' public hearing process & since then (during renewal in Oct. 2006). Furthermore, we have no record of any filed complaints. It appears that the CUP had been acclimating well in the area characterized with mixed traffic, i.e., not exclusively 'residential' traffic as was commonly found in other typical minor residential settings.

He also stated that the property did front Inspiration Road. Inspiration was a future major thoroughfare (100' ROW), which typically attracts non-residential uses. The Flores Home could be considered a hybrid site where although the zone was residential, it could perhaps be afforded some slight non-residential

aspects (such as the desired sign) during Inspiration's gradual transitioning into a full-scale major thoroughfare status.

The City has afforded deviation from the size of signage in the past though conditional. The one example that may be more applicable to the Flores request, perhaps, is the Nancy Algrim site north of Bryan Elementary. Nancy's black rose Boutique was awarded variance to have a 32" x 42" sign primarily due to the 51' distance that her home was to Bryan & where the speed limit was posted at 30 mph. Bryan Road is also an MPO-designated major thoroughfare, & there was no traffic control ('Stop' sign) at the juncture either. Also, the Algrim site was an inner tract with perimeter trees. Algrim's variance was conditioned on a 1-year approval where if there were opposing comments, then it would be re-evaluated for further action at that point (2/11/92 action).

He mentioned that Flores' proposal of 48" x 72" monument sign was a bit ambitious though the home was almost twice as distant to the street as the Algrim site. Staff suggested that perhaps a 36" x 48" monument sign as shown on the site plan would still retain the residential aspect, but still allow a smaller-than-proposed sign. Not 'reinventing the wheel' & being consistent to similar circumstances, the approval should be for 1 year to assess public input (if any).

Chairman Sesin asked if there was any public opposition.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

Chairman Sesin asked Mr. Zavala if he had talked to the applicant regarding the sign size.

Mr. Zavala replied that he had talked to the husband and told him that if the board approved the variance it would be subject to downsizing the sign.

After a brief discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the request as recommended by staff and subject to downsizing the sign to a 36" X 42". Mr. Rodriguez seconded the motion. Upon a vote, the motion passed 5-1 with Mr. Vela against the request.

**Started: 5:57 p.m.**

**Ended: 6:00 p.m.**

**Item # 3.0**

**Pre-Final Plat Approval:**

**Cardenas Subdivision  
6.48 acres out of Lot 28,  
Nick Doffing Subdivision  
Rural ETJ**

**Developer: Diana G. Cardenas  
Engineer: Vanguard Engineering**

Mr. Salinas went over the write up stating that the proposed subdivision was located approximately  $\frac{3}{4}$  of a mile south of Mile 5, along the west side of Doffing Road (FM 492). He mentioned that the subdivision consisted of a total of 3 lots. All lots met the City's access policy, which required a minimum width of 100' in order to access a major thoroughfare, i.e., Lot 1 at 147', Lot 2 and 3 at 134'.

He stated that the water CCN belonged to LJWSC and that Resolution # 1085 (April 2004) suspended any approval of residential plats in the LJWSC area due to their ongoing water capacity and water pressure concerns. However, the City Council had approved subdivisions that provide letters of 'No Objection' from the Texas Water Development Board and TCEQ. As such, any approvals of residential plats were made subject to those letters. The developer is providing water by installing 2 additional water services into an existing 8" LJSCW waterline located along the west side of Doffing Rd.; proposed Lot 1 currently has an existing service. The City's Rural ETJ regulations do not require fire hydrants.

He mentioned that the sanitary sewer service for this subdivision was addressed by individual on site sewage facilities of a standard design septic tank and drain field on each lot. Each lot met or exceeded the County's typical  $\frac{1}{2}$  acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (NOTE: Mission sewer is 1.28 miles away).

The developer is dedicating 20' of additional ROW to Doffing Road (FM 492) 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. Staff recommended approval subject to: **1)** must submit the letters of 'No Objection' from TWDB and TCEQ, **2)** meeting the Model Subdivision Rules and notes from the County Planning Department.

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 request as recommended by staff. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:00 p.m.**

**Ended: 6:11 p.m.**

**Item # 4.0**

**Variance Request by Melden & Hunt to Waive Required Subdivision Fees for Ebony Trails Subdivision on Behalf of the Rio Grande Habitat for Humanity**

Mr. Salinas went over the write up stating that in May of 2006, the 18 lot Ebony Trails Subdivision (Javier Hinojosa Engineering) was approved by the City Council. It has been substantially completed but has not been recorded and, in fact, is 'For Sale'. As seen in the vicinity map, the plat has frontage along the west side of Los Ebanos Road being ¼ mile south of Griffin Parkway. MHI's request is to have the City of Mission waive required platting fees; thus the variance request that induces P&Z's advisory action to the City Council.

In viewing Fred's 1/20/09 letter, the RGHH was been previously aided by the City of Pharr's when they waived a total of \$14,507.36 for Casa Ingles Subdivision in 2003; a 36 lot subdivision. Casa Ingles is adjacent on 2 sides to drain ditches near the Las Milpas area. The 36 lots divided by the \$14K equates to \$402.97/lot waiver.

In Ebony Trails, the ditch is actually ¼ mile away and was the primary cause of discussion during the City Council meeting in May 2006. A total cost (at that time) to provide the storm pipes and bores to the ditch north of FM 495 was approximately \$149,000. The Council decided to impose a pro rata share cost of \$22,590 as an escrow for a 'future storm project', where the City will likely pay for the large majority of the project (since there remains other un-developed acres though several have long had homes thereon). The Mission costs requested to be waived include the following:

2% Inspection fee	\$ 3,122.74
Street/sidewalk	\$12,980.50
Drainage Escrow	\$22,590.00
Capital sewer recovery	\$ 3,600.00
Street signs	\$ 350.00
Park fees	\$ 5,400.00

<u>Streetlights</u>	<u>\$ 9,000.00</u>	
Total Waiver Request	\$57,043.24	(or \$3,169.07/lot waiver)

Planning provides no direction on fees being waived but only seeks your good 'common sense' judgment to seriously assess this request. We do note that RGHH's request in Mission is almost 4 times (3.9x) more than what Pharr waived.

Chairman Segin asked if the applicant was present.

Mr. Fred Kurth, P.E. stated that he hoped that the board could consider this request. He mentioned that the subdivision was repossessed by the bank, which was looking for buyers, but who ever buys the subdivision would be facing the same fee issue. He stated that what they wanted to do with the help of the board was to figure out a way to have 18 families move on to those eighteen lots within the next 2 years, but they were locked in with the price per lot being \$10,000.00. The \$10,000.00 would be built into the mortgages that the people would have to pay.

He gave the board a little description on how they go about building the houses and how people donate their services or materials. He mentioned that people are not charged any interest and that the payment for the house was pretty low and they could pay it off within 20 years. Mr. Kurth stated that it was true that they were asking for the City of Mission to waive more fees than what they asked the City of Pharr, but the City of Pharr donated \$100,000 for the project in addition to waiving fees.

Chairman Segin stated that he did not know at what point would the board stop and evaluate each individual situation as to whom should get a waiver of the fees and who doesn't. He also stated that he knew people who do the habitat for humanity and that there were a lot of other non-profit organizations where they could go and ask for help.

Mr. Garza stated that as much as he wanted to say 'yes', he didn't want to set precedence.

Mrs. Marin asked Mr. Kurth if he had approached the city to see if there were any other funds to off-set the cost.

Mr. Kurth replied 'No'.

Mr. Sheats asked if the city had a program where they help the low-income families build their homes.

Chairman Segin replied 'Yes'.

Mr. Kurth stated that maybe that could be another alternative.

After a brief discussion, Chairman Segin entertained a motion. Mr. Sheats moved to deny the variance. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

### **3.0 OTHER BUSINESS**

There was no other business

### **4.0 ADJOURNMENT**

There being no further items for discussion, Mr. Vela moved to adjourn. Mr. Sheats seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:11 p.m.

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