

**PLANNING AND ZONING COMMISSION
AUGUST 6, 2009
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Luann Caudle
Marisela Marin

STAFF PRESENT

Bobby Salinas
Raymundo Elvira
Julio Cerda
Sonia Carnes
Roberto Salinas, P.E.
Susana De Luna

GUESTS PRESENT

Angel S. Lopez
Sandra Manship
Gilbert Hernandez
John P. Burns
Mary Ritch
Jesus Garza

Jim Elliff
Gary Crump
Scott Herweck
Lora Idol
Tomas Tijerina

Steve Ferguson
Tyrell Blauvelt
Ronnie Wilson
Mitch Idol
Gill Quintanilla

CALL TO ORDER

Chairman Sesin called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR JULY 8, 2009

Chairman Sesin asked if there were any corrections to the minutes. There being no corrections. Mr. Sheats moved to approve the minutes as presented. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:25 p.m.

Item# 1.1

**Conditional Use Permit: New Institutional Facility and Associated
Non-Residential Parking on Property Zoned
AO-I
Being 7.4 acres out of Lot 241, John H. Shary
AO-I
Life of Use
Palm Valley Church**

Mr. Bobby Salinas went over the write-up stating that the site is located 1200' east of Stewart Road along the south side of Griffin Parkway. The applicant has purchased the property to the south of their existing facility wherein the City

Council approved their 1-Lot plat a few meetings ago. Palm Valley Church (PVC) has also purchased the acreage between the residentially developed subdivisions to the SW of their property and intends to use this property in association with their institutional expansion plans.

Access to the site will continue to be from Griffin Parkway but a new driveway leading to Stewart Road is also proposed. This secondary access point will help dilute exiting from Griffin Parkway and deflect any traffic from the R-1T development to the north, too. Staff recommends that the elongated 24' driveway leading to Stewart Road be paved, however at this time or, at the very least, have it paved within 6 months after CUP approval.

The new facility will have a 2000 seat auditorium. The existing building has an auditorium (non-fixed seating) of at least 800 seats that will also be used **by the youth at the same time** as the 2000 seat auditorium. The 800 seats, **IF** all used by the youth, will require 100 parking spaces (1 parking space/8 seats). The 2000 seat facility requires 500 parking spaces (1 parking space/4 seats). Also, when factoring in the estimated 8 classrooms that will also be used at the same time as the others, this will require about 8 parking spaces (1.5/parking spaces per classroom x 8 = 12 spaces). Total parking required will be 612 paved parking spaces. The parking that is proposed is 427 or 185 short of Code.

When viewing the site plan, the area marked as 'Staging Area' is proposed to have 97 spaces, and the area marked as 'Milling Site' is proposed to have 108; these areas equate to 205 parking spaces that will comply with code. However, PVC proposes **not to pave** this area at this time but merely keep it in hard surface condition (millings, compacted caliche). There is intent to pave it in the future when the auxiliary building will be finalized. Staff reluctantly consents to the interim of un-paved parking but strongly recommends substantial landscaped buffering. Mr. Salinas stated that he had spoken to Mr. Ferguson, the Church's representative, regarding this along the north side of the 5 acre tract and he said that they were willing to put in a 6' opaque cedar fence along that area to allay any concern on traffic going through the subdivision. He added that Mr. Elliff submitted a letter to the Board and staff in which he mentioned the traffic concern. Mr. Salinas stated that staff was recommending that they buffer off that residential neighborhood away from this institutional use to avoid any impact on the neighborhood.

One of the major concerns expressed by area residents has been drainage. Regarding this CUP, a detention pond is along the southern side of their property (north of the dead-end street) and, as water rises, the storm will be diverted via

18" storm lines to the existing 18" system along the commercial alley. Engineering has viewed this concept and it meets with City code since the 18" line acts like a 'bleeder' line; being that it is detained on the PVC site for a longer period of time before reaching the public storm system. Our city engineer will be available to reply to any questions on how the drainage will function.

In regard to construction of the 2000 seat facility, PVC proposes to use the newly bought acreage as a staging area which staff does not object to as long as it is consistently watered down to prevent *dusting* the adjoining neighborhoods - - if concerns are expressed and the area is not watered, 'Stop Work' orders may be imposed to maximize protection of the residential adjoiners.

Insofar as the facility, they comply with building setbacks and the Fire Marshal has met with them several times regarding the required sprinkler system, location of hydrants, etc. Of course, our water and sewer utilities are very capable of serving the site.

Staff Recommendation was for approval subject to: 1) no objection to having unpaved parking spaces in 'Staging Area' and 'Millings Area' but must install a 6' cedar fence to adjoining residential areas especially to the north, 2) pave the 24' maneuvering lane leading to Stewart Road prior to Final Occupancy within 6 months, 3) submit a drainage solution to be approved by the City Engineer, 4) Any internal security lighting must be downcast into the Palm Valley Church site so as to minimize light-spillover onto area residences, and 5) Life of Use.

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

Mr. Jim Elliff who resides at 1706 Toni Lane stated that he was not in objection to the Palm Valley Church expansion request but had some concerns regarding the storm drainage. He added that they had already added caliche to a good portion of that road and about 50% of the 5 acres were hard packed so the issue of drainage needed to be resolved, because if there was a storm within the next 2 or 3 weeks, especially since we were in the hurricane season that water would go to Toni Lane. He added that he didn't care if they said that the elevation was lower than the alley way the water and caliche would need to go somewhere and Stewart Road and Toni Lane would not be able to handle it. He mentioned that he understood that it would be taken care of in the future but there concern needed to be addressed right now.

Mrs. Sandra Manship who resides on 21st street right behind the church. Her concern was also regarding drainage and there has been no drainage upgrade whatsoever done. So where would the water go if they had a storm?

Chairman Sesin asked if the applicant or representative were present.

Mr. Steve Ferguson General Contractor for Palm Valley Church stated that he had spoken to Mr. Bobby Salinas about these concerns and currently the staging area that they were working on was tilting towards the existing 2 ½ acres so it would be draining to their property and the remaining would be draining west. He added that they are getting a total water study so that it could be conducted in a complete manor. He mentioned that Mr. Salinas had suggested a small retention pond to maybe help alleviate the neighbor's concerns until the water study was complete.

Chairman Sesin asked who was engineering their water plan.

Mr. Jesus Garza from JA Garza & Associates stated that it was Ronnie Cruz from Cruz-Hogan Engineering.

Chairman Sesin asked if Mr. Garza had already evaluated the drainage for this area.

Mr. Garza stated that the drainage had not been evaluated yet. He added that they were in the preliminary stage and were acquiring the topographic information so it would be approximately 2 or 3 weeks before they had the actual numbers.

Chairman Sesin mentioned that the only reason he asked was because if they were already planning they could look at the possibility of installing storm sewer to the area to adequately drain it.

Mr. Garza stated that all the concerns regarding water runoff would be taken care of by this subdivision just like any other.

Chairman Sesin added that he understood that they were going comply with the City's recommendation but the neighbors concern was what would happen if they get strong rain tomorrow there was nothing out there that would prevent that water from going into their property. Chairman Sesin asked Mr. Garza again what are they doing now to alleviate the concern of the neighborhood that they don't want to be flooded.

Mr. Garza stated that the detention area on the 2 ½ acres was twice as big as necessary and then they could do another detention area to the west.

Chairman Sesin stated that they could have several detention areas that looked great being there but would the water be channeled to the detention areas.

Mr. Garza replied, "Yes".

Mr. Ferguson stated that the 1st acre of the new 5 acres was going to point towards east and the 2nd acre of the new 5 acres was going to point west and both would be in a detention area.

Chairman Sestin stated that for the benefit of the public that had some concerns regarding the drainage; the P&Z Commission will make sure that these concerns were addressed.

Mr. Garza mentioned that these concerns would be addressed but it was going to take 2 or 3 weeks to get the actual counts.

Mr. Salinas suggested that staff could recommend a swale of some sort on the west side and then when the designs are done they could comply.

Chairman Sestin stated that the overall detention would be addressed he just wanted the public to know that they were going to retain the excess runoff on the land just as required by the City of Mission. He added that City Engineer conveyed to him just before the meeting about some other drainage improvements in the vicinity that may alleviate some of the problems that the City has had during the heavy storms, which had water backup to Stewart Road and so forth. He added that he just wanted the public to understand that there would be a water retention requirement just like anybody else to make sure that post development runoff stays on the property and not have people flooding down street.

Mr. Sheats stated that his only concern was timing because the 2nd half of this new development would be done in maybe 2 or 3 years.

Mr. Ferguson stated that the subdivision would be done in a matter of months but if they ever built on that land it would take years from now.

Mr. Salinas stated that the parking lot would be done with the subdivision.

Mr. Sheats stated that as long as they get the protection regarding the flooding and the fence for the buffering he didn't have any other concern.

Chairman Sestin asked Mr. Salinas if the staging area would only be used for the construction equipment or would it be used by the public when they attend services on Sundays & Wednesdays.

Mr. Salinas stated that the staging area would only be used for the construction of the building once the building gets close to completion the new parking would be completed and they would need this additional parking to be able to occupy the new building and at that point they should already have all the numbers and drainage taken care of subdivision wise on this particular area.

Chairman Sesin asked while the building is under construction where were they going to park?

Mr. Salinas stated that on the existing parking to the north and new parking on the south.

Mr. Sheats asked how they were proposing to access this land.

Mr. Ferguson stated that they would be using Stewart Road to access the construction entrance and exit.

Chairman Sesin stated that during the subdivision stage there were some concerns regarding vehicles going into the subdivision on the south. How were they proposing to stop the vehicles from coming into the subdivision?

Mr. Ferguson stated that they were prepared to install a hard fence buffer.

Chairman Sesin asked Mr. Salinas if there ingress and egress was going to be through FM 495.

Mr. Salinas replied, "Yes".

There being no further discussion, Chairman Sesin entertained a motion. Mr. Rodriguez moved to approve the conditional use permit subject to staff's recommendations including the perimeter fencing. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:19 p.m.

Ended: 5:25 p.m.

Item# 1.2

**Single Lot Variance: An 18.62 acre tract of land out
Being a part of Porcion 52
PUD
North American Butterfly Association**

Mr. Salinas went over the write-up stating that the site is located on the SE corner of Old Military Road and Schuerbach Road. The North American Butterfly Association (NABA) is proposing to construct a new 4,900 sq. ft. 'Welcome Center' on the northwest area (a 728' x 535' section) of the 18.62 acre tract. There is currently a 2" waterline and an OSSF serving the existing (portable) NABA center. There is discussion between the City of Mission and NABA regarding a partnership for the upgrade of existing utilities in the area, which will include the extension of an 8" waterline with fire hydrants that will loop to Military Parkway. NABA has requested that a new OSSF be allowed on the property since the City's sewer system is currently .92 miles away as shown on the utility layout. The property

fronts Old Military Road, which is a paved 24' road with a 40' ROW. The City will be requiring Old Military Road to meet the standard ROW dedication being a minimum 25' from centerline, plus an abutting 10' utility easement. The property also fronts Schuerbach Road, a future 80' ROW/65' street. The City Council approved MPO Thoroughfare plan requires a 40' ROW dedication from the centerline of the street. The ROW dedication will require the applicant to provide the legal deed documents (Survey, title commitment, etc.) to be approved by the City Attorney. Since this area is still a very rural site, Schuerbach dead ends at the Mission Main Canal, and the City is partnering with NABA on infrastructure, no paving escrows are recommended.

Other Comments: Exclusion from the Water District (or partial exclusion for user site only). Street lights are required along Old Military Road, and Schuerbach Road. Staff does not object to the single lot variance subject to: 1) dedicate 25' of ROW along Old Military Road, plus the additional 10' utility easement and dedicate 40' of ROW along Schuerbach Road by separate instrument to be approved by the City Attorney, 2) variance to use septic tanks (also require City Council approval for this specific item), 3) exclude property from the Water District (or partial exclusion for user site only), 4) street lights along Old Military Road and Schuerbach Road, and 5) no sidewalks (no pedestrian traffic and erodes rural/nature effect).

Chairman Sesin asked if there was any input from the Board.

There was none.

Chairman Sesin asked if the applicant or representative were present.

Representing North American Butterfly Association (NABA), Mr. Tomas Tijerina, Mrs. Mary Richy and Mr. Gill Quintanilla were present to answer any questions from the board.

Mr. Tijerina stated that only requirement that he didn't understand was the street lighting since Mr. Salinas did mention that it was a rural area and most of the electrical was a long way from coming to the area.

Mr. Salinas stated that a single lot variance is usually treated like a subdivision and one of the requirements is that they have street lights along major thoroughfares and it would be a great addition to protect the area.

Mr. Tijerina asked what the minimum requirement for lighting was.

Chairman Sesin stated he would not have a problem with staff and NABA working that issue out.

Mr. Tijerina stated that they were willing to comply with all the other requirements and be willing to work out the street lighting requirements.

Mr. Salinas stated that that would be definitely something that could be worked out especially since they were partnering with the City of Mission.

Mr. Sheats stated that he would hate to see this building being graffitied because of the lack of lighting.

Mr. Tijerina mentioned that the site itself would be illuminated through the use of parking area lighting.

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

3.0 OTHER BUSINESS

Mr. Salinas thanked the Board for taking the time from their busy schedule to attend the Special P&Z Meeting.

4.0 ADJOURNMENT

There being no further items for discussion, Mr. Garza moved to adjourn. Mr. Sheats seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:32 p.m.

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