

**PLANNING AND ZONING COMMISSION
AUGUST 19, 2009
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Raul Sesin
Ned Sheats
Marisela Marin
Mario Garza

P&Z ABSENT

Luann Caudle
Jose G. Vela
Henry Rodriguez

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Sonia Carnes
Roberto Salinas, P.E.
Julio Cerda
Susana De Luna
Irasema Dimas

GUESTS PRESENT

Robert Linn
Andy Lee
Frances Garcia
Eduardo Sanchez
Rosa E. Suarez
Robert Bridges
Aniceto Izaguirre

Raul Martinez Jr.
Francis M. Ciancarelli
Yesenia Trevino
Ana Catalina Perez
Jose Rojas
Rogelio Estrada
Diana Izaguirre

Gilberto A. Gracia
Andrea Esquivel
Jose Chapa
Steve A. Smith
Robert Hinojosa
Ken Jones

CALL TO ORDER

Chairman Sesin called the meeting to order at 5:11 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR AUGUST 6, 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. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:12 p.m.

Ended: 5:17 p.m.

Item# 1.1

**Re-designation of
Land Use:**

**Sharyland Plantation PUD (Various Tracts)
Tract 1 – A 30.78 acre tract out of Lot 84;**

Tract 2 – A 37.38 acre tract out of Lots 72 & 82;
Tract 3 – A 15.43 acre tract out of Lots 65 & 75;
Tract 4 - A 30.12 acre tract out of Lots 62 & 72,
John H. Shary Subdivision;
Tract 5 - Sharyland Service Center No. 9, Lot 14;
Tract 6 – Plantation Grove Sports Complex, Lot 1 &
A 2.67 ac. tract out of Lots 75 & 76, John
H. Shary Subdivision
PUD (Non Residential, Industrial, High Density) to
PUD (High Density, Medium Density, Non-
Residential, Multi-Family)
Hunt Valley Development

Mr. Bobby Salinas went over the write-up stating the following:

Tract 1 was from PUD (Non-Residential to High Density). The subject site is located on the NW corner of Shary Rd. and San Mateo (The existing Soccer Fields area). The surrounding land use designations are to the West – Non-Residential, North – Medium Density, East (across Shary Rd.) - Non-Residential, and South – High Density. The land uses consist primarily of residential structures to the north and south, an elementary school to the west across the drain ditch and commercial along the east side of Shary Rd. According to the PUD’s land use map (June 2003), a non-residential designation was proposed. Hunt Valley Dev. is proposing this change to their land use map due to the surplus commercial property along Shary Rd. and the future Anzalduas Hwy (where the frontage is primarily commercial). Staff has no objection to the request since it would compliment the existing elementary school to the west and the residential uses to the north and south. Staff recommended approval to this request.

Tract 2 – PUD (Non-Residential to High Density). The subject site is located on the SW corner of Glasscock Rd. and San Mateo. The surrounding land use designations are: West – AO-I, North East, and South – High Density Residential. The land uses consist of residential to the North and East, a Jr. High School to the South, and Agricultural to the West. According to the PUD’s land use map (June 2003), the southern portion of the subject tract was proposed for non-residential. Again, Hunt Valley Dev. is proposing this change to their land use map due to the surplus commercial property along Shary Rd. and the future Anzalduas Hwy. (where the frontage is primarily commercial). Staff has no objection to the request since it would compliment the existing Jr. High School to the south and the residential uses to the north and east. Staff recommended approval to this request.

Tract 3 – PUD (Industrial to Multi-Family). The subject site is located approximately 300’ north of Military Hwy along the west side of Santa Engracia. The surrounding land use designation is to the West across Shary – High Density, North,

East, and South – Non-Residential. The land uses consist of residential to the West, a medical plaza to the North, a convenience store and open land to the South, and open land to the east. According to the PUD's land use map (June 2003), the subject property is proposed for Industrial use. Staff has no objection to the request since the Multi-Family proposal is less excessive than the current industrial designation, which allows for a wide array of uses that may negatively impact existing uses along Shary Rd. Staff recommended approval to this request.

Tract 4 – PUD (High Density to Non-Residential). The subject site is located on the NW corner of Glasscock Rd. and Military Hwy. The surrounding land use designations are to the West and South –AO-I, North and East – High Density Residential. The land uses consist of residential to the North and East, Agricultural to the West and South and the subject site has the newly constructed B.L. Grey Jr. High School. According to the PUD's land use map (June 2003), the subject site was proposed for High Density. This re-designation would simply update the land use plan to what currently exists, which is an S.I.S.D. Jr. High School. Public schools fall under the Non-Residential category of Sharyland Plantation's Development Guidelines. Staff has no objection to the request since it would correct and update the land use plan to what currently exists. Staff recommended approval to this request.

Tract 5 – PUD (Industrial to Non-Residential). The subject site is located on the NE corner of Santa Engracia and Military Hwy. The Surrounding land use designations are to the West – Industrial (Proposed change to Multi-family), North- Multi-Family, East – Industrial, and South – AO-I. The land uses consist of open acreage to the North, open acreage and commercial (El Tigre) to the West, an industrial warehouse buffered by a drainage canal to the East, and an industrial warehouse across Military Hwy to the South. According to the PUD's land use map (June 2003), the subject site was proposed for Industrial. This re-designation is proposed because of the surplus industrial property throughout the PUD, i.e. Along Military Hwy and the Industrial areas to the east within McAllen's City Limits. The property is also owned by a local church, which by contract would be building a new church at this particular site. Churches fall under the Non-Residential category of Sharyland Plantation's Development Guidelines. Staff recommended approval to this request.

Tract 6 – PUD (Non-Residential to Medium Density). The subject site is located on the NE corner of Santa Engracia and San Gabriel. The surrounding land use designations are to the West – Non-Residential, North – High Density, East – Outside City Limits (City of McAllen) and South – Multi-Family. The land uses consist of residential to the North, commercial offices to the West, Multi-Family and open acreage to the South, and open acreage to the East across Taylor Rd. The subject tract is the Sharyland Sports Complex, which has since been closed and currently houses the Hunt Valley development offices. According to the PUD's land use map (June 2003), the Sports Complex is designated as non-residential. The proposed re-designation appears to be consistent with the existing residential uses along the east

side of Santa Engracia, which provides a good line of demarcation between the existing commercial and residential uses surrounding the sports complex. Staff has no objection to the request since it would compliment the existing residential uses (single family and multi-family) and would allow for the development of a residential subdivision rather than a closed sports complex. Staff recommended approval to this request.

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

Mr. Frances M. Ciancarelli from 3709 San Clemente stated that all he wanted was to make sure that the drainage would be sufficient for the 6 tracts.

Chairman Segin replied that he knew that when Hunt Development planned the whole development, they did a master drainage plan and green areas to exceed the requirements that the City currently has for any type of development. He stated that the minimum city requirement is for a 10-year storm and that the whole PUD was built to withstand a 100-year storm, which exceeds the minimum city requirement. He also mentioned that Hunt would consider additional drainage improvements during the subdivision stage.

Mr. Ciancarelli mentioned that his main concern was the soccer fields since they were shallow.

Chairman Segin replied that Hunt wouldn't invest that much money on something and not have it prepared for drainage.

There being no further discussion, Chairman Segin entertained a motion. Mr. Garza moved to approve the re-designations of land use as recommended by staff. Mr. Sheats seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:17 p.m.

Ended: 5:18 p.m.

Item# 1.2

Rezoning:

**A .57 ac. tract of land out of Lot 23-1
West Addition to Sharyland Subdivision
AO-I to R-1
Saul Montes Rodriguez**

Mr. Salinas went over the write-up stating that this property is located 200' south of West 20th St. along the east side of Inspiration Road. The surrounding zonings include R-1 to the West and East and AO-I to the North and South. The surrounding land uses are all single-family homes. The Future Land Use Map reflects a Moderate Density Residential (MD) designation. A single family home is well within the land use parameters of the MD designation. Staff recommended approval to the request.

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

There was no response.

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

Started: 5:18 p.m.

Ended: 5:22 p.m.

Item # 1.3

Rezoning:

**A 105.5' X 250' tract of land
Out of Lots 26-10 & 27-10,
West Addition to Sharyland Subdivision
R-1A to R-3
Frances Garcia**

Mr. Salinas went over the write up stating that the subject site is located approximately ½ mile north of Griffin Parkway along the West side of Bryan Road. The surrounding zonings include: Agricultural Open Interim (AO-I) to the South and R-1A to all other directions, including the subject tract. The existing land uses include single-family residential estate to the Northwest area, agricultural to the South and open R-1A lots to the East. There are no apartments in the area. The Future Land Use Map shows this area developing as Lower Density Residential (LDA), which is more consistent with an R-1 zone. Though the area is still not fully developed, the surrounding subdivisions and land uses are comprised of estate settings and zones. The desired R-3 zone is in direct conflict with the updated FLUM. The FLUM is not 'set in stone' and zonings do not have to match it, BUT unless there is a predominant and unique reason to deviate from it, the City should abide by the FLUM as much as possible to sustain its confidence to the general public. Staff does not see the area evolving into multi-family uses because it would disturb the integrity of the surrounding estate settings and would not comply with the FLUM. Staff recommended denial to the request.

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

Mr. Robert Hinojosa from 1310 E. 29th Street mentioned that the whole area was low density with big homes and lots, and the property owners would like to maintain it

that way. He also stated that he was concerned about the devaluation of the properties if the rezoning for apartments gets approved.

Chairman Sestin mentioned that 63% of the property owner's within the 200' radius were in opposition.

Chairman Sestin asked if the applicant or representative were present.

Mrs. Frances Garcia stated that if the rezoning gets approved the apartments she was proposing were going to be upscale apartments.

Chairman Sestin mentioned that he would not be in favor of the request due to the whole area being designated for Low Density and he did not feel comfortable approving a spot zoning.

There being no further discussion, Chairman Sestin entertained a motion. Mr. Sheats moved to deny the rezoning as recommended by staff. Mrs. Marin seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:22 p.m.

Ended: 5:24 p.m.

Item # 1.4

Conditional Use Permit:

**On-Site Consumption of Beer & Wine
900 Doherty
Lots 4-6, Block 161, M.O.T.
C-3
8/37/09 & 9/24/09
Mission Historical Museum**

Mr. Jaime Acevedo went over the write up stating that the subject site is at the NE corner of Doherty and Business Highway 83. The Mission Historical Museum desires a CUP for the on-site consumption of beer and wine. Two special events are being held at the museum, one for the Miguel Covarrubias Exhibit on August 27, 2009 and another for the Kika De La Garza Exhibit on September 24, 2009. The consumption of beer and wine will take place during the hours of 6:00 p.m. to 8:00 p.m. on each of those dates. Ordinance 3436 (1) Section 6-2 Consumption or possession in public place states: 'It shall be unlawful for any person within the City to consume any alcoholic beverages in a public place or to possess any alcoholic beverage in a public place for the purpose of consuming such alcoholic beverages in a public place except (1) as provided in section 70-4 and (2) where a conditional use permit allowing such consumption and/or possession is granted pursuant to the applicable provisions of the zoning ordinance'. Since this CUP is for a special event only and for a total of only 4 hours, Staff did not object.

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

There was no response.

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: 5:24 p.m.

Ended: 5:26 p.m.

Item # 1.5

Conditional Use Permit:

**'Sale and On-Site Consumption of Beer
& Wine' at "Varikai By Go Go Restaurant"
4001 S. Shary Road, Suite 700
Lot 1, Tech Center No. 2
PUD
Life of Use
Ana Catalina Perez**

Mr. Acevedo went over the write up stating that a Cup had previously been approved on December 12, 2007 for this applicant at 4001 S. Shary Road, Suite 800. Since the applicant is relocating to a different location (one door down), a new CUP must be considered.

The property is located between San Gabriel and San Mateo along the east side of Shary Road. Currently on Lot 1, there is an existing building with 15 suites thereon. The applicant has leased Suite 700 over the past 1-½ years and is now relocating to Suite 800 with intentions of continuing her operation of a Sushi Restaurant where the sale and on-site consumption of beer and wine is proposed. The days and hours of operation are Sunday through Thursday from 11:00 a.m. to 10:00 p.m. with Friday and Saturday being open one additional hour, closing at 11:00 p.m. Alcoholic beverages will only be served during the allowable State selling hours and only in the dining area. There are no schools, parks, or places of worship within 300 feet. However, there are residences within 300'; thus variance consideration needs to be considered. Staff does not object since the homes are across Shary and buffered with a masonry wall.

Viewing the floor plan, the 1,197 sq.ft. building will have 44 seats total. One parking space for every three seats equates to 15 parking spaces required. Parking is held in common and meets code for this development. Access to the site can be from one

primary driveway to Shary Road or from separate driveways along San Mateo and San Gabriel. Staff recommends approval subject to: **1)** waiver of the 300' separation to buffered residential, **2)** acquisition of a business license, **3)** wet zoning the property, and **4)** 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Segin asked if the applicant or representative were present.

The applicant Mrs. Ana Catalina Perez was present to answer any questions.

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

Started: 5:26 p.m.

Ended: 5:30 p.m.

Item # 1.6

Conditional Use Permit:

Drive-thru Service Window

at Antojitos Mexicanos # 2

301 W. Griffin Parkway, Suite # 1

Lot 1-D, Mission Park Plaza Subdivision

C-3

Life of Use

Blue Mountain Development

Mr. Acevedo went over the write up stating that the subject site is located 650' west of Conway along the south side of Griffin Parkway (south of old Carl's Supermarket) within an existing commercial complex that has 10 leased spaces. This leased unit was once a flower shop. The proposed days and hours of operation are Monday through Sunday from 11:00 a.m. to 11:00 p.m. Alcoholic beverages will not be sold at this restaurant.

Viewing the floor plan, the 1,403 sq.ft. building will have 14 tables with 52 total seating spaces. It is noted that a total of 78 parking spaces are held in common at this section of the development. Access to the complex will be primarily from Griffin Parkway where traffic will proceed southbound and then, at the alley juncture, do 'a 180' (or u-turn) between the Church's Chicken median and Blue Mountain property, and proceed northward through the drive-thru lane. A Menu Board will not be utilized, i.e., ' the service window is where orders will be placed. If traffic issues are resolved, a speed bump is recommended as shown on the site plan to maximize overall safety. Also the landscaped island just north of the drive-thru window should

be kept to a minimum as to not impede visibility between motorists. Staff recommended denial.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Chairman Sesin stated that staff had a problem with the traffic and that they haven't received enough information.

Mr. Jose Chapa from Blue Mountain stated that this would be the 2nd restaurant for Antojitos.

Chairman Sesin stated that he agreed with Staff's evaluation that the site was not set up in the best way for a drive-thru. He stated that the owner would need to talk to staff in order to straightened it up before is put on the agenda again.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to 'Table' the item so that a better site plan would be designed. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:30 p.m.

Ended: 5:32 p.m.

Item # 1.7

**Renewal Conditional Use Permit: "Drive-thru Service Window"
307 East Expressway 83
Lot 6-D, El Pueblo Subdivision
C-3, General Business District
Life of Use
McDonald's**

Mr. Acevedo went over the write up stating that this item was originally approved by P&Z on March 13, 2008 with the following conditions: 1) directional arrows/signage installed at the entrance of the property (Entrance/Exit), 2) compliance with the landscaping requirements (including retaining the large tree near the current dumpster), 3) the dumpsters be screened from public view and be accessible by a front end loader, and 4) ZBA approval for the 22' front setback. The ZBA granted the applicant a reduced front setback on March 19, 2008. However, McDonald's has not commenced their remodeling project, thus their CUP needs to be considered since over one year has expired.

The subject site is located ¼ mile east of Conway Ave. on the south side of U.S. Expressway 83. McDonald's has been operating from this location with a drive-thru service window since the early 80's. McDonald's would still like to remodel the existing restaurant to provide additional consumer amenities such as a kid's playground and also improve the working areas for its employees. A 28' driveway off of the Expressway 83 Frontage Road will lead traffic into the drive-thru lane, and 'wrap around' the building to exit southward via another 24' driveway exiting out back onto the Frontage Road.

Currently the restaurant measures 3,888 sq.ft., the proposed restaurant will measure 4,930 sq.ft. A total of 50 parking spaces are being proposed where 41 parking spaces are required, exceeding code by 9 spaces.

On landscaping, 5% of the site must be permanently landscaped with a combination of shade trees, plants, low-shrubs, and grass around the perimeter of the parking lot. A copy of the recorded plat, floor plan, and site plan are attached for your review and consideration. Staff recommended approval subject to: **1)** directional arrows/signage installed at the entrance of the property (Entrance/Exit), **2)** compliance with the landscaping requirements as outlined above (including retaining the large tree by the current dumpster), and **3)** the dumpster be screened from public view and be accessible by a front end loader.

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

There was no response.

Chairman Segin asked if the applicant or representative were present.

Mr. Andy Lee from K. Chen Engineering was present to answer any questions.

Chairman Segin asked if he was receptive with staff's recommendation.

Mr. Lee replied that he would comply with all the requirements.

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

Started: 5:32 p.m.

Ended: 5:34 p.m.

Item # 1.8

Conditional Use Permit:

**To Keep an Existing 12' X 16' Portable
Building for Sales Office Use
1609 E. Expressway 83**

**Lots 3-6, Mission Palms Plaza Subd.
C-4
Life of Use
Jorge A. Vallejo**

Mr. Acevedo went over the write up stating that the request before the board was to consider the continued use of a portable building as a sales office for a nursery at the above location. The existing 12' X 16' portable building has been used as a sales office since the business opened early this year; it was moved to the site without a building permit. Mr. Vallejo desires to have the following as his days/hours of operation: Monday through Saturday from 10:00 a.m. to 7:30 p.m. A total of 4 part time employees will be working at this location. Conrado Saenz, owner of Lots 3-6 Mission Palms Plaza, has authorized Mr. Vallejo the use of the premises if approved by the P&Z. The portable building sits at the SE corner of Lot 5. Parking is held in common and meets code for this development.

With all the landscaping items, the portable is not readily seen – it is obscured. However, having a 12' X 16' portable next to a site built structure (dialysis/attorney) may not be a long-term desire of the city when considering aesthetics along a major corridor. Thus, like the George Brooks CUP, perpetual (CUP) monitoring will be the norm where, one day, the portable will need to be replaced with an on-site built structure. Staff recommended approval subject to: **1)** 1 year re-evaluation and **2)** non-transferable to others.

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

There was no response.

Chairman Segin asked if the applicant or representative were present.

There was no response.

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

Started: 5:34 p.m.

Ended: 5:36 p.m.

Item # 1.9

Conditional Use Permit:

**To Move-In a 12' X 16' Portable Building
For Sales Office Use
1712 W. Griffin Parkway
Lot 22, Block 4, Oakwood Estates Subd. # 2
C-3**

**Life of Use
Edward Sanchez**

Mr. Acevedo went over the write up stating that the request before the board was to consider the use of a portable building as a sales office for a used auto sales office lot at the above location. The proposed 12' X 16' portable building is currently being used as an auto sales office in the City of Palmview and Mr. Sanchez would like to relocate his auto sales business to a property that he owns in Mission. Mr. Sanchez desires to have the following as his days/hours of operation: Monday through Saturday from 9:00 a.m. to 6:00 p.m. Mr. Sanchez, his wife and son, and 1 full time employee will be working at this location. If approved by the P&Z the building will be located towards corner of the rear property line. Building setbacks will be in compliance as per Mr. Sanchez's proposed site plan. Currently Lot 22 does not have any improvements. In order for a business license to be issued, all building codes, landscaping, and parking codes will need to be completed prior to permit issuance. Staff recommended to 'Table' the item so that staff could have the opportunity to resolve the driveway issue.

There being no further discussion, Chairman Segin 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: 5:36 p.m.

Ended: 5:36 p.m.

Item # 2.0

Conditional Use Permit:

**To Keep a 7' X 8' Portable Building for the
Sale of Hamburgers, Hot Dogs, and Tacos
1500 W. Business Hwy. 83
(E-Z Mart Convenience Store)
Lot 'A', Mission Acres Subdivision
C-3
Life of Use
Raul Martinez, Jr.**

Mr. Zavala mentioned that he had an opportunity to talk to the applicant prior to the meeting and that the applicant asked if the item could be 'Tabled' so that he could talk to the owner of the property.

There being no further discussion, Chairman Segin entertained a motion. Mr. Garza moved to 'Table' the conditional use permit as recommended by staff. Mrs. Marin seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:45 p.m.

Item # 2.1

Conditional Use Permit:

**To Install a Changeable Copy Sign
2309 E. Expressway 83
Lot 1, R.C. Vacker Subdivision
C-3
Life of Use
Gary Vacker (Bert Ogden RGV)**

Mr. Acevedo went over the write up stating that the subject site is 500' west of Shary Road along the north side of Frontage U.S. Expressway 83. The applicant is proposing to replace the existing 6' X 24' Light Bulb Electronic Sign with a 5.8' X 23.5' (137 sq.ft.) computer controlled LED Color Video Sign. As per our Sign Ordinance such signs required a CUP from the P&Z prior to installation.

Section 86.41 Sign Types 'Changeable Copy Sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of, for example, time and/or temperature shall be considered the "time and temperature" portion of a sign and not a changeable copy being for purposes of this chapter. Such changeable copy sign shall not be less than 1,000 feet from other such signs, and are deemed a conditional use requiring the approval of the appropriate boards'.

A field visit revealed that there are no 'Changeable Copy' signs within 1000' of the proposed location. The nearest similar sign would be at Another Closet Storage over ½ mile north of Expressway 83 along the west side of Shary Road. Another similar sign that can be used for comparison is the LED sign that is along the frontage entrance to the McAllen Convention Center. The current Convention Center LED measures 7' X 21' or 147 sq.ft. An inquiry to the City of McAllen revealed that there have not been any known traffic or safety issues related to the LED sign at that location.

As far as the construction, there will be no new ground poles installed for the proposed sign. AAA Sign Company will remove the existing Light Bulb message center cabinet and use the existing pole structure to install the proposed LED cabinet. The new LED message center will be smaller and lighter than the current Bulb Sign. Since the proposed sign is over 50 sq.ft. in size, Staff will require Engineered Plans and Specs prior to permit issuance. Setbacks will remain the same and are in compliance. Staff recommended approval subject to plans and specs signed and sealed by a State of Texas Engineer and transferability to others.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Mr. Steve Smith from AAA Signs and Mr. Robert Linn from Bert Ogden were present to answer any questions from the board.

Mr. Sheats mentioned his only concern was how much brighter the sign would be.

Mr. Steve Smith replied that it would be dimmer than the old one. The illumination on the old sign could not be controlled, this new sign is controlled and has automatic dimming, so when its dark it would dim down and during the day it would be brighter. He finished by saying that this was a new technology.

Mr. Sheats replied that he liked what he was hearing, regarding the controlled brightness.

Mrs. Marin asked if the sign would change.

Mr. Linn replied that it would.

Mrs. Marin stated that for her it was not attractive, because it looks like Christmas lights. She asked at what point do they stop the flashing lights so that somebody driving on the highway would be able to read it.

Mr. Smith replied that as per State Law the sign needs to remain static for eight to ten seconds.

Mrs. Marin mentioned that the sign would be distracting for people driving on the highway.

Mr. Smith replied that it has never been related to a traffic accident. He stated that he found it more disturbing when someone is driving and putting on make up or talking on the phone while driving.

Mr. Sheats stated that he drove through the area several times trying to figure out what was bothering him about the sign. He noticed that if you're driving on the Expressway and you're trying to exit on Bryan Road; the existing sign is at the eye level of the driver trying to exit. Trying to maneuver with the sign at eye level would be a distraction. He finished by saying that he would like to see a more conservative sign.

After a brief discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to 'Table' the conditional use permit until a more conservative sign design is submitted. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:56 p.m.

Item # 2.2

Conditional Use Permit:

Day Care in an AO-I Zone

**West 75' of the East 902' of the South 105',
Lot 29-7, West Addition to Sharyland Subd.**

AO-I

Life of Use

Yesenia Trevino

Mr. Acevedo went over the write up stating that the subject site was located at the NW corner of Black Oak Lane and 2 Mile Road. The applicant desires a Conditional Use Permit for a Group Day Care from the AO-I site. Mrs. Trevino desires to care for a maximum of 12 children with herself and another employee as the only employees. The proposed days/hours of operation are: Monday – Friday from 7:00 a.m. to 6:00 p.m. Mrs. Trevino is seeking approval of a CUP for a Home Occupation wherein no one will reside there. Section 1.56.1g states: The Planning and Zoning Commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent basis to the City Council who shall have, the ultimate authority in the matter. With regards to proposed variances to subsections 1.56-1 (a), (d), and/or (f), a minimum of 90 percent of the property owners with the 200' mail out radius shall provide written support for the proposed home occupation variance. The applicant has obtained a total of 94% (15 of 16) of the signatures required for this CUP consideration.

Mrs. Trevino is proposing a total of 4 parking spaces for this operation. The existing driveway onto 2 Mile Road will be left as is and will be used for staff parking only. This area can accommodate 1 vehicle. In addition, the applicant is proposing a 1-way circular driveway onto Black Oak Lane. This 1-way circular driveway will be used by parents to safely drop off or pick up children and it will also lead to a paved parking pad just north of the building that can accommodate 2 vehicles for parents or staff. Traffic will drive in from Black Oak lane and exit back facing Black Oak Lanes traffic. Staff will consider the circular driveway as additional parking as we have done in other cases thus, parking is in compliance for this operation. The applicant has also applied for a Single Lot Variance since this tract did not pre-exist the '74 subdivision code. If approved, during the Single Lot Variance process, typical codes to impose include but will not be limited to additional hydrant(s), perimeter 4-5' sidewalks, street widening, and water district exclusions.

The limited size of the NON-commercial tract 'as is' obviously limits what it can be used for which should be a continuation of a SF residential use (likely to be zoned R-1t); compounded by the required minimum ROW dedication of an additional 30' (equating to 50' ROW c/l), a non-res. use is NOT recommended due to the likely

spillover effect of non-res. Parking on the adjoining 30' minor residential cul-de-sac street (1 way in, 1 way out). These, quite simply, are the primary concerns that impede staff from favoring the CUP. Planning encourages the P&Z members to visit the site a few moments to gain an accurate perspective on the site's CUP viability remembering that after ROW extraction, the adjusted lot line along 2 Mile Road will be 10.5' to the building. We do acknowledge the 90% petition, which may move the P&Z to nevertheless conditionally approve it. If so, terms of approval should include: relocation of 2 Mile's driveway to be exclusively for staff (after CUP expires, this residential driveway to be closed via ordinance on marginal street accessibility via – recorded encumbrance), buffer 2 Mile Road for child protection, meet fire code on sprinkler system & new hydrant, meet SLV minimum codes (including water district exclusion), DHS certification, 5' sidewalk along 2 Mile Road and 4' sidewalk along Black Oak, and 1 year re-evaluation so as to alert the neighborhood and solicit their input (on any traffic concerns).

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

There was no response.

Chairman Sestin asked if the applicant or representative were present.

Mrs. Yesenia Trevino was present to answer any questions from the board.

Chairman Sestin mentioned to Mrs. Trevino that staff was concerned about the limited use of the property.

Mr. Zavala mentioned that what was currently happening with the 2 Mile Road extension was coincidentally with the CUP and regardless of the expansion staff would ask 50' centerline dedication.

Chairman Sestin mentioned that the applicant had 90% signatures in favor of the request.

Mrs. Trevino stated that in reference to parking concerns, being that she works in a day care most parents just drive-in and drop-off their kids within 5 minutes. She mentioned that there wouldn't be any problems with cars stacking up because not all the parents arrive at the same time. She also mentioned that she could talk to the parents to advise them that they could not use the 2 Mile & Black Oak driveway.

Chairman Sestin asked Mrs. Trevino how many children she will be taking care of?

Mrs. Trevino replied that she does not know yet because the state would need to evaluate the house in order to determine how many children she will be able to take care of.

Mr. Garza asked Mrs. Trevino that based on her experience how many children would she say she could take care of.

Mrs. Trevino replied that it would be 25 kids.

Mr. Acevedo replied that the maximum would be 6 per person and based on her proposal it would be 12 children.

After a brief discussion, Chairman Sesin entertained a motion. Mrs. Marin moved to approve the conditional use permit as recommended by staff but only for 6 months after the business license is issued. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:56 p.m.

Ended: 6:00 p.m.

Item # 2.3

Renewal Conditional Use Permit:

**Home Occupation – ‘Sale of Snacks
& Sodas’**

2514 Paseo Encantado

Lot 13, Block 10, Tierra Dorada Subd.

R-1

Life of Use

Andrea Esquivel

Mr. Acevedo went over the write up stating that this CUP was approved on January 9, 2008 and again on August 27, 2008 and needs renewal consideration once again. The site is at the NW corner of Paseo Encantado (a paved 30' collector) and Paseo Del Rey. Mrs. Esquivel desires to retain a CUP permitted a home occupation for the sale of snacks and sodas. The applicant has her SF residence thereon with 2 paved driveways off of Paseo Encantado. The applicant has enclosed a 5' X 6' porch facing Paseo Encantado and installed a 24" X 24" window facing Paseo Encantado. Customers will the window to place and pick up their snack items. There are also existing 4' sidewalks leading from both streets to the existing 5' X 6' enclosed structure. The hours of operation are Monday through Friday from 4:00 p.m. to 8:00 p.m., Saturdays from 11:00 a.m. to 8:00 p.m., and closed on Sundays. Mrs. Esquivel and her son have been running the home occupation.

Since the operation is only open for a few hours a day and since we have had no complaints with this operation, we do not object renewing this operation for another year to continually monitor the traffic and pedestrian safety issues especially when adjacent to a collector street. Staff recommended approval subject to 1-year re-evaluation and removing some debris from the curb that was presented during staff's visit to the site.

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

There was no response.

Chairman Sesin asked if the applicant or representative were present.

Mrs. Andrea Esquivel stated that she had placed the items outside the day before and was waiting for BFI to pick it up.

Mr. Jaime Acevedo replied that BFI would not pick up those types of items.

Mrs. Andrea Esquivel mentioned that there was a land fill close to Tierra Dorada and she would call her brother to help her dispose of the items.

There being no further discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff and subject to resolving the health & sanitation violation. Mr. Sheats seconded the motion. Upon a vote the motion passed unanimously.

Started: 6:00 p.m.

Ended: 6:02 p.m.

Item # 3.0

Single Lot Variance:

**A .57 ac. tract of land out of Lot 23-1
West Addition to Sharyland Subdivision
AO-I (R-1 proposed)
Saul Montes Rodriguez**

Mr. Salinas went over the write up stating that this property is located 200' south of West 20th Street along the east side of Inspiration Road. The property measures 70' X 353.20', in which the applicant wishes to replace a single family home that has since been removed. The site exceeds typical 60' R-1 frontage codes. The property has access to an existing 12" sanitary sewer line running along the west side Inspiration Road. Public Works has reviewed the site and mentioned that a stub out had been provided for the property. There is an existing 6" asbestos waterline running along Inspiration. The City's master plan for water shows a future 12" waterline along Inspiration Road. The applicant will be responsible to only escrow the 12" waterline for their portion of frontage to Inspiration. The City Engineer has determined the cost to be \$1,540.00 (\$22/l.f. X 70'). The Fire Marshal will not require an additional fire hydrant since one exists approximately 250' away from the subject site. The property fronts Inspiration Road, a future 100' ROW/65' street. The MPO Thoroughfare plan requires a 50' 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. The applicant will also be

responsible for their portion to widen Inspiration Road equating to \$5,511.11 (\$78.73/l.f. X 70'), Capital Sewer Recovery fee \$200/HUE X 1 = \$200.00, escrow 5' sidewalks - \$12.00/l.f. X 60' (70'-10' driveway) = \$720.00, and rezone the property to R-1. Streetlights currently exist along Inspiration Road.

Staff recommended approval subject to: **1)** escrow 5' sidewalks, street widening, and 12" waterline, **2)** payment of capital sewer recovery fees, **3)** dedicate 50' of ROW along Inspiration Road by separate instrument to the approved by the City Attorney, and **4)** rezone the property to R-1.

Chairman Sestin asked if the applicant or representative were present.

There was no response

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

Started: 6:02 p.m.

Ended: 6:04 p.m.

Item # 3.1

Single Lot Variance:

**A .18 ac. tract of land out of Lot 29-7
West Addition to Sharyland Subdivision
AO-I
Yesenia Trevino**

Mr. Salinas went over the write up stating that the property is located on the NW corner of Black Oak Ln. and Mile 2 Rd. The property measures 75' X 105', in which the applicant wishes to open a daycare center on a property zoned AO-I. Staff notes that the proposed use requires a CUP prior to opening a daycare. The site exceeds typical 60' R-1 frontage codes to 2 Mile and also has frontage/access to Black Oak Lane.

The property has access to an existing 8" sanitary sewer line running along the north side of Mile 2. Public Works has reviewed the site and mentioned that a stub out has been provided for the property. The current structure is utilizing septic tanks and will be required to connect to the sewer system. There is an existing 8" waterline running along Black Oak Lane. Since the applicant is requesting to open a daycare, the Fire Marshal is requiring the installation or escrow of a new fire hydrant (1 Fire hydrant = \$3,000.00) and a sprinkler system. The sprinkler system will be reviewed by Fire at the building permit stage.

The property fronts Mile 2 Road, a future 100' ROW/65' Street. The MPO Thoroughfare plan requires a 50' 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. The applicant will also be responsible for their portion to widen Mile 2 Road equating to \$2,883.00 (\$38.44/l.f. X 75') via 2009 2 Mile Road Policy, Capital Sewer Recovery Fee - \$200/HUE X 1 = \$200.00, Escrow 5' sidewalks - \$12.00/l.f. X 65' (75' - 10' driveway) = \$780.00, Install/Escrow 4' sidewalks along Black Oak Lane at building permit stage, Reimbursement for Water/Sewer (MCISD) - \$163.90/Ac, (Sewer) and \$166.52/Ac. (Water), and Exclusion from the Water District. Streetlights currently exist along Mile 2 Road.

Staff did not object to the single lot variance subject to: **1)** escrow 4'/5' sidewalks, Mile 2 street widening costs, and additional fire hydrant, **2)** payment of capital sewer recovery fees and water and sewer reimbursements, **3)** connect the structure to the City sewer system, **4)** dedicate 50' of ROW along Mile 2 road by separate instrument to be approved by the City Attorney, and **5)** exclude property from the water district.

Chairman Sesin asked if the applicant or representative were present.

Mrs. Yesenia Trevino was present to answer any questions.

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

Started: 6:04 p.m.

Ended: 6:27 p.m.

Item # 4.0

Pre-Final Plat Approval:

Eduardo's No. 9 Subdivision

23.56 Ac. tract being all of

Lots 66 and 67, Block 1,

La Homa Ranch Citrus Groves Unit No. 1

Rural ETJ

Developer: Aniceto Izaguirre

Engineer: Izaguirre Engineering Group, Inc.

Mr. Salinas went over the write up stating that the subdivision is located approximately 3,500 feet South of Mile 7 (FM 492) along the West side of La Homa Road. The subdivision consists of 38 lots, where Lots 1 & 2 and 32 through 38 shall have the option of being used for commercial or multi-family purposes. The remaining lots shall be used for residential purposes.

The water CCN belongs to SWSC. The developer is providing water by connecting to an existing 6" water line located along the west side of La Homa Road and extending a

new 6" line West into the proposed subdivision. The City's Rural ETJ regulations do not require fire hydrants.

Sanitary sewer service for this subdivision will be addressed by individual on site sewage facilities (OSSF) 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. (NOTE: Mission sewer is 2.23 miles away).

The lots will be facing a 50' ROW 32' B/B paved street built to the County's construction specifications. Prosperidad Drive will have a temporary cul-de-sac located at the western perimeter of the subdivision to allow for future extension of the street through future developments. There are also two 50' residential streets with cul-de-sacs off of Prosperidad. No residential access will be allowed from Lots 1 and 2 and 32 through 38 onto La Homa Road. Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines – see HCDD # 1 approved drainage report. Staff recommended approval subject to meeting the Model Subdivision Rules, and meeting any comments from the County Planning Department.

Chairman Sesin asked if there were any comments from the board. There being none, he asked if there was any public input.

Mr. Ken Jones from Kenwood Development stated that he had several subdivisions along the area and he had a couple of questions in reference to this subdivision. The first question was in reference to the drainage being routed to the road, he mentioned that immediately across the road he had developed a subdivision and the Highway Department set the elevation for the entrance of the subdivision and when it rains, the water stays there for weeks or more with 2' or 3' deep. He stated that when that happened he met with the Highway Department and asked them where the drainage was flowing, he was informed that it would flow north to the drain ditch to the east and then it would cross over to the west side of the road and then it would go south then go underneath the road and it would end up in the same place it started. He also mentioned that when he developed that land he was informed that he could not have any entrances for residential lots along 6 Mile Line and in this subdivision they are allowing 8 lots with entrances through the main road.

Mr. Jones asked who reviewed the plans on an engineering level.

Chairman Sesin replied that Mr. Roberto Salinas, City Engineer is the one that reviews the subdivisions on behalf of the city.

Mr. Jones asked that if then the county would review this issue.

Chairman Segin replied that the county would review it after the city takes action.

Chairman Segin asked if the applicant or representative were present.

Mr. Gilbert Gracia from Izaguirre Engineering stated that he understood that there was a concern in reference to drainage and the other issue is multiple entrances through La Homa Road. He stated that on the entrances issue they have an application filled out and it would be submitted to the Texas Department of Transportation for their approval. He stated that there wouldn't be 10 lots accessing La Homa because they know that it's not safe and the landowner had instructed them to prepare the entrance permit for control access. He mentioned that on the plat they were showing an access easement along the front of the commercial lots, which would allow 1 or 2 entrances off of La Homa and the traffic can maneuver inside the lots and not the road way.

Mr. Gracia stated that on drainage, they were communicating with the Texas Department of Transportation since they have recently done some excavating along the west side of La Homa. He mentioned that they were trying to detain more on the property than what was coming off of it before; he stated that they were reducing the amount of water that runs off of the property. Mr. Gracia informed the board members that they would only be connecting to the road's drainage through an 8" line.

Chairman Segin asked Mr. Zavala if the city was okay with promoting commercial traffic to go through residential properties being that the applicant was promoting some lots to be used for commercial.

Mr. Zavala replied that in the county there's no zoning and even though the applicant was promoting those lots for commercial, if someone buys one of those lots and wants to build a house he would be able to.

Chairman Segin stated that the county through the health department has been restraining commercial traffic from going through residential streets.

Mrs. Marin mentioned that on plat note # 15, it stated that Lot 1,2,32, through 38 shall be for commercial use only and Lot 2 & 32 shall not have access through La Homa Road. Does that mean that everything else does?

Chairman Segin replied that Lot 2 & 32 would not have access off of Prosperidad but 32 through 38 could have access off of Karime Drive.

Mrs. Diana Izaguirre stated that they were the owners of the development and that the commercial traffic would only be through La Homa, the Karime access would only be used for employees.

Mrs. Marin asked if all the Lots 1 through 38 would have individual access through La Homa?

Mrs. Izaguirre replied that there would only be 1 or two access points through La Homa but if the employee wishes to park on the rear of the building they would be able to go through Karime.

Chairman Segin mentioned that Mrs. Izaguirre was proposing to have commercial traffic through Karime.

Mr. Gracia stated that he understood the board's concerns regarding commercial traffic on a residential street, but a commercial lot, especially if it's used for employees, would not generate as much traffic as a residential lot.

Mrs. Marin asked if Lot 1 would not have any drainage tie-ins or a swale?

Chairman Segin stated that Lots 32 through 38 did not show any tie-ins as well.

Mr. Gracia replied that the swales would provide more drainage than necessary, consequently what would come out of the commercial lots would be less than what would come out of a residential lot.

After a brief discussion, Chairman Segin entertained a motion. Mr. Garza moved to 'Table' the pre-final plat. Mr. Marin seconded the motion. Upon a vote the motion passed unanimously.

Started: 6:27 p.m.

Ended: 6:30 p.m.

Item # 5.0

Discussion and Action to Amend the Zoning Ordinance by adding as a 'Conditional Use', the following under the Single-family Residential Zoning District: A family-owned car-wash business when the owner resides adjoining said site that also has frontage to an arterial street.

Mr. Sergio Zavala went over the write up stating that this amendment would amend the R-1 zoning code by adding the following as a CONDITIONAL USE:

A family-owned car-wash business when the owner resides adjoining said site that also has frontage to an arterial street, and resident family members only will assist in its operation.

This amendment, if approved, will allow resident families to approach the City to have a small mom-and-pop car wash where resident family members will help in its

operation. During the course of working in the car wash, family members (and in particular the youth) will learn hard work ethics while helping contribute to the family's expendable income. This amendment will be helpful to instill self-reliant values, too. Staff recommended in favor of the amendment.

Chairman Segin asked if there was any public input.

There was no response.

Chairman Segin asked if there were any comments from the board.

There being none, Chairman Segin entertained a motion. Mrs. Marin moved to approve the amendment as recommended by staff. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 6:30 p.m.

Ended: 6:34 p.m.

Item # 6.0

Tabled

Conditional Use Permit:

**Portable Building for the Sale of Water
2205 N. Inspiration Road
Lot 18, Southern Oaks Subd. Phase I
C-3
Life of Use
Jose Rojas (Aqua Blue)**

Chairman Segin entertained a motion to remove the item from 'Table'. Mr. Sheats moved to remove the item from 'Table'. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo went over the write up stating that this item remained 'tabled' on July 8, 2009, since the applicant was not present. Mr. Rojas desires a CUP to be allowed to place an 8' diameter portable structure for the sale of water in Lot 18, Southern Oaks Subdivision or Toscano's Tires/Car Wash located at 2205 N. Inspiration Road. The self-sustained, fully automated, Aqua Blue will operate 24-hours a day/365 days a year. A technician will conduct a service inspection on a regular basis to ensure that the water-dispensing unit is clean and functioning properly. Mr. Luis Toscano has authorized Mr. Rojas to set it in the parking area east of his car wash upon receiving a Conditional Use Permit. The proposed site plan will show a total of 6 parking spaces for both the Car Wash and the proposed Aqua Blue business.

City Code requires a minimum of 4 parking spaces for each individual business. The Site Plan shows 6 paved parking spaces and 2 paved vehicles under the canopies = 8 spaces. A viable alternative would be to not cut 22nd Street but have 2 parking

spaces in that area and just have the cars continue to exit onto the paved alley, which already had a cut onto 22nd Street. Perimeter 5' sidewalks are required as well as 7 – 3" caliper trees. Since the sign ordinance appears to be continually violated and the current car wash does not meet paring codes at this moment, no permit for the Aqua Blue facility should be given until the paved parking, sidewalks, and landscaping is substantially compliant.

The concern is that if the Aqua Blue Permit is issued and it is installed (in a few days), the remainder of improvements will be lacking which will induce Municipal Court procedures with the CUP also being at risk of revocation due to owner's lack of compliance.

Staff recommended approval subject to: **1)** have car wash substantially complete the paved parking, sidewalks, and landscaping prior to issuing Aqua Blue Permit, **2)** 1 year re-evaluation to assess internal traffic circulation and incidence of any on-street parking, **3)** the installation of concrete bollards around the water dispensing structure, **4)** compliance with the minimum landscaping requirements, **5)** acquiring a business license, and **6)** perimeter 5' sidewalks.

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

There was none.

Chairman Segin asked if the applicant or representative were present.

Mr. Jose Rojas was present to answer any questions from the board.

Chairman Segin asked Mr. Rojas if he was receptive with the recommendation from staff.

Mr. Rojas replied that he would comply with the requirements.

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

Started: 6:34 p.m.

Ended: 6:38 p.m.

Item # 6.1

Tabled

Conditional Use Permit:

**Portable Building – Sale of Water
1500 W. Business Highway 83
Lot A, Mission Acres Subdivision
C-3**

**Life of Use
Jose Rojas (Aqua Blue)**

Chairman Segin entertained a motion to remove the item from 'Table'. Mr. Sheats moved to remove the item from 'Table'. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo went over the write up stating that this item remained 'tabled' on July 8, 2009 since Mr. Rojas was not present at the meeting. Mr. Rojas desires a CUP to be allowed to place an 8' diameter portable structure for the sale of water in Lot A, Mission Acres Subdivision or E-Z Mart at 1500 W. Business Highway 83. The self-sustained, fully automated, Aqua Blue will operate 24-hours a day/365 days a year. A technician will conduct a service inspection on a regular basis to ensure that the water-dispensing unit is clean and functioning properly. Mr. Armando Cantu has authorized Mr. Rojas to be in the parking area west of his store's parking. The current store has 16 striped parking spaces where 15 are required for the combined uses, however, a total of 24 are available when factoring the parking under the canopies.

Other bullet-point comments include:

- ❖ This SECOND portable building along a major thoroughfare's corner to an arterial (Los Ebanos) with bollards is not aesthetically conducive.
- ❖ Portable structure will not impede driveway interface to the west (in the future).
- ❖ The water and drain lines are not in the area where a future site-built building will be located.
- ❖ Sidewalk required by Council on 4/24/06 still not done.

Staff recommended denial to the request.

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

There was none.

Chairman Segin asked if the applicant or representative were present.

Mr. Jose Rojas from Aqua Blue mentioned that he was not aware of all the outstanding requirements to Mr. Cantu, but it was okay if they deny the item. He also asked if some of his money could be reimbursed.

Chairman Segin replied that he would need to talk to staff about the reimbursement.

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

Started: 6:38 p.m.

Ended: 6:51 p.m.

Item # 7.0

Tabled

Site Plan Approval:

**Construction of 14 Apartments
.80 Ac. tract of land out of Block "J",
Wright Addition Subdivision
R-3
Edward Cuellar**

Chairman Sesin entertained a motion to remove the item from 'Table'. Mr. Garza moved to remove the item from 'Table'. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salinas went over the write up stating that the subject site is located directly east of the intersection of Seitz and E. 11th Street. The proposal is to build 3 single story complexes containing 5 apartments for 2 of the complexes and 4 apartments for the third complex, equal to 14 - 2 bedroom apartments overall. Each apartment will average approximately 900 sq.ft. and will be divided by 1 hr. rated firewalls.

The minimum required setbacks based on zoning are: Front: 30', Rear: 15', Sides: 6'. ZBA approved a variance (5/20/09) to allow the front setback to be 25' instead of 30' and the rear setback to be 10' instead of 15'. The 14 units are calculated to require 28 parking spaces based on the 2:1 parking ratio. The applicant is proposing 31 parking spaces exceeding code by 3. Ten percent landscaping is being proposed with a combination of trees, plants, and shrubs. A minimum of 7 - 3" caliper shade trees are required to be planted within the landscape areas along the area fronting Sietz. Other requirements are: Payment of all fees and additional requirements from the Single Lot Variance (Capital Sewer Recovery, Park Fees, ½ the alley on the north side, upgrade the waterline, install 1 fire hydrant at the main entrance, 5' sidewalks along Sietz.)

The last time the board saw this item (5/20/09) there were concerns expressed regarding: Rear access and buffering to the alley, back entrances to the apartments and drainage. Mr. Salinas stated that he had a chance to speak to the owner and he expressed that there would indeed be a buffer fence to the alley and along the east side of the property preventing any access from the tenants, i.e. access will only be from the parking area. There will be no back/second entrances to the apartments. Finally, the City Engineer has come up with a plan in order to have the Sietz area

connected to storm sewer services. The developer will be responsible for his share of the storm costs.

Staff recommended approval subject to: **1)** paying all fees and additional requirements from the Single Lot Variance, and **2)** pay pro-rata share of the storm drainage plan as approved by the City Engineer.

Chairman Segin mentioned that during the previous meeting there was a neighbor present with some concerns in reference to the storm drain.

Mr. Rogelio Estrada from 914 E. 11th Street was present.

City Engineer Roberto Salinas, stated that they have created a master plan for the area, which would consist of a 24" to a 36" drainage system. On 12th Street there's a section where there should be a street corridor but what he was planning to do there was a detention pond. He mentioned that in the future they could have stub lines to 12th & 11th Street, Bryce Road, & Pamela Drive. Mr. Salinas stated that they shot elevations and they met the minimum required slopes.

Mr. Sheats asked if this would drain all the way to the golf course.

Mr. Roberto Salinas replied that it would drain in the detention pond that was created with the Kika Loop project, eventually even without a storm system everything should flow to the detention pond.

Chairman Segin stated that the golf course served as a good detention area and the additional detention will assist in delaying the water to the north and help retain it.

Mrs. Marin asked if once the alley is paved would they be able to go in through the alley.

Mr. Bobby Salinas replied that there wouldn't be any access through the alley since the entire area would be fenced in and there wouldn't be any additional exits or doors on the rear of the apartments.

Mr. Sheats asked how would they be getting out in case of a fire.

Mr. Salinas replied that they would be able to get out through the windows.

Chairman Segin mentioned that the City Building Inspectors were well trained on all of that and that the board shouldn't be getting on that issue.

Mr. Rogelio Estrada asked what was the size of the existing pipe.

Chairman Segin replied that the city was proposing a 24" and a 36".

Mr. Estrada answered that he understood that was what the city was proposing but he wanted to know the size of the existing pipe.

Chairman Segin replied that as he understood, it currently sheet flows.

Mr. Roberto Salinas replied that it was all gravity.

Mr. Estrada asked how many inlets were proposed.

Mr. Bobby Salinas replied that the city was proposing 12 inlets.

Mr. Estrada asked if the pond would create any problems for the kids going to school.

Chairman Segin replied that the pond already exists.

Mr. Estrada stated that he was worried about hurricane season.

Chairman Segin stated that he understood his concern, but off the record the engineers do not design for hurricanes, but the master plan created by the city engineer was for 5 years maybe 10 years storm drain. He stated that not even TXDOT size for 25-year storm.

Mr. Robert Bridges from 917 E. 11th Street mentioned that they have standing water along 11th Street and he was wondering if the water would flow to Tom Landry down through Sietz.

Chairman Segin replied that the City Engineer has considered the whole area.

Mr. Bridges asked if the proposal before the board was for 14 apartments.

Chairman Segin replied 'yes'.

Mr. Bridges stated that he was concerned about his property value since there were already 3 other apartments to the south and they were Section 8 housing.

Chairman Segin replied that the property was already zoned R-3, for apartments, and the board only reviews parking, landscaping, accessibility and drainage.

Mr. Bridges asked what about Section 8.

Chairman Segin replied that the board does not monitor the designation of the apartments.

Mr. Bridges asked how could he stop them from being Section 8 housing.

Chairman Segin replied that it would be up to the applicant; the board could not regulate the type of apartment use.

After a brief discussion, Chairman Segin entertained a motion. Mr. Garza moved to approve the site plan as recommended by staff. Mrs. Marin seconded the motion. Upon a vote the motion passed unanimously.

3.0 OTHER BUSINESS

Mr. Salinas stated that there was no other business.

4.0 ADJOURNMENT

There being no further items for discussion, Mr. Sheats moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:52 p.m.

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