

**PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2009
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Raul Sesin
Henry Rodríguez

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Sonia Carnes
Annette Zavala
Roberto Salinas
Julio Cerda

GUESTS PRESENT

Yesenia Trevino
Gary Cornell
Eleazar Zavala
Wade Welch
Mary Welch
Tyler Welch
Ashley Stryker
Maria W. Hemir
David De Los Santos

Lane S. Hemir
Reymundo Ramirez, Jr.
Diego Salinas
Erika Vargas
Alejandro Espinoza
Manuel Garcia
Leo Sanchez
Mariano Garcia
Maria Zavala

Leonel Sanchez
Paula Price
Rick Fleming
Ruben Plata
Gil Quintanilla
Gilbert Garcia
Nubia Pedraza
Mr. & Mrs. Heina
Joe Chapa

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR AUGUST 19 & 24, 2009

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

Started: 5:02 p.m.

Ended: 5:05 p.m.

Item# 1.1

Conditional Use Permit:

Day Care in an AO-I Zone

**West 75' of the East 902' of the South 105',
Lot 29-7 W.A.S.
AO-I
Life of Use
Yesenia Trevino**

Mr. Acevedo stated that Mrs. Trevino was granted a CUP for a Day Care in an AO-I zone on 8-19-09. With the approval came several conditions including a 6-month re-evaluation. The applicant is requesting re-consideration to allow for a 1-year re-evaluation instead. Since the applicant obtained over 90% approval of support from the neighborhood, staff did not object to the request since the 1-year encumbrance is typical to similar others.

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

There was no response.

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

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

Vice-Chairman Sheats mentioned that in the past they ask for a 6-month re-evaluation to check the parking but now she wants to extend it 12 months. He asked what benefits she would get from making it 12 months instead of 6 months.

Mrs. Trevino responded that she works in a day care facility and not all the parents come at the same time; thus, there will be "no problem" with Mile 2 or Oak Lane parking.

Mr. Garza said he had no problem since they had obtained over 90% approval.

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

Started: 5:05 p.m.

Ended: 5:08 p.m.

Item# 1.2

Conditional Use Permit:

**Pre-School & Group Day Care
1.17 Acres of Lot 28-7
West Addition to Sharyland Subdivision
300 East 2 Mile Road
R-1
Life of Use**

Mr. Reymundo Ramirez

Mr. Acevedo went over the write up stating that the subject site is at the SW corner of Francisco and 2 Mile Road. The applicant desires a Conditional Use Permit to continue the Pre-School and Group Day Care from this R-1 site. Mr. Joel and Hermilia Ochoa have run this operation since April 2004 and would like to transfer the operation to Mr. Ramirez. Since its introduction in 2004, the Ochoa's have complied with the requests of the P&Z which included: compliance with the Subdivision Code, installation of a circular driveway to maximize traffic safety, DHS certification, compliance with sign codes, acquisition of a business license, and the installation of a fence buffer. Mr. Ramirez has 4 parking spaces for his staff along the western side of the driveway coming in from 2 Mile Road. There is also a circular driveway that is used for parents dropping off or picking up their kids. This 1-way circular drive was installed so cars can safely enter the facility from 2 Mile and exit facing 2 Mile's traffic. Mr. Ramirez's days/hours of operation are: Monday – Friday from 7:00 a.m. to 6:00 p.m. with a total of four (4) employees. Of course, if approved, DHS certification will continue to be mandated. Any existing or future signage would also have to comply with the prevailing sign ordinance. Staff recommended approval subject to: 1) acquire a business license, 2) comply with sign code, 3) DHS certification, and 4) 1 year re-evaluation to this new owner

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

There was no response.

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

The applicant, Mr. Reymundo Ramirez Jr., asked if there were any restrictions for two daycares to be so close to each other.

Vice-Chairman Sheats mentioned that he didn't know of any such requirement.

Mrs. Marin asked if the circular driveway was done.

Mr. Acevedo mentioned that the circular driveway was existing.

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

Started: 5:08 p.m.

Ended: 5:11 p.m.

Item # 1.3

**Conditional Use Permit: Sale of Gasoline & Drive-Thru Service
Window
1417 N. Conway Avenue
Lots 7-10, Block 230, M.O.T
C-3
Life of Use
Nubia Pedraza**

Mr. Acevedo went over the write up stating that the subject site is located at the NW corner of Conway Avenue and 14th Street and has Lot dimensions of 200' wide x 140' depth or 28,000 sq. ft. The new applicant desires to re-open the convenience store where the sale of gasoline will be made available, and also use the drive-thru service window. As shown on the site plan, there are currently (4) driveway cuts onto Conway Avenue and (2) driveway cuts onto 14th Street. With regard to parking, the site plan shows 6 parking spaces, which meets code. The striping does need to be re-painted (with arrows, too). The drive thru service window is located along the south side of the convenience store; thus, the approach is from west-to-east. Though a portion of the car's hood is over the pedestrian alignment, an existing speed bump will maximize pedestrian safety. This site has 5' sidewalks existing along all perimeter streets. Staff notes that there is an existing fire hydrant along the north side of 15th Street between the Dunlap/Conway alleys. Staff recommended approval subject to: 1) acquisition of a business license, 2) 1 year re-evaluation to assess this new operation, and 3) installing the missing planks to complete the fence buffer along the west side of the property.

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

There was no response.

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

Mrs. Nubia Pedraza was present to answer any questions the board might have.

Vice-Chairman Sheats mentioned that he didn't see a problem with the request and asked if there were any issues in fixing the fence.

Mrs. Pedraza replied that the fence was getting repaired already.

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

Started: 5:11 p.m.
Ended: 5:35 p.m.

Item # 1.4

Conditional Use Permit:

**Taxidermy Services from an AO-I Zone
2704 N. Stewart Road
S. 171.5' of the N. 292' of the W. 1270'
Lot 261, John H. Shary Subdivision
AO-I
Life of Use
Tyler Welch**

Mr. Acevedo went over the write up stating that the subject site is ½ mile North of FM 495 along the east side of Stewart Road. The applicant's 3,600 sq. ft. SF residence has a 750' long driveway leading to a paved parking area that can accommodate 6 vehicles. Mr. Welch will be working from a Craft Room at the northernmost part of the house. Mr. Welch obtained certification from the Central Texas School of Taxidermy and is a member of the Texas Taxidermy Association and the National Taxidermists Association. Mr. Welch stated that this will be done as a hobby and certainly not be his sole source of income. He also stated that if in the future this operation is to become a full time job, he would relocate to a commercial establishment. Mr. Welch will operate strictly by appointment only through friends, acquaintances and 'word of mouth'; 'walk-in's' to his home will not be welcomed. His hours of operation will be Monday - Saturday from 9:00 a.m. to 5:00 p.m. To further reduce traffic to his home, Mr. Welch also offers item pickup and delivery. The applicant uses soap, borax and water; no toxic chemicals or acids. Mr. Welch said this process possesses no health issues to him, his family, or the surrounding neighbors. No permits are required by TCEQ. Since Mr. Welch will be dealing with just animal skins (hides), skulls, and antlers, there will be little or no waste produced. Mr. Welch has assured us that any skin clippings that will be discarded will be of skin that has already been treated and free of bacteria. Mr. Welch has notified the Mission Health Department of his intentions. Finally, since the property is setback about 750' from Stewart Road, Mr. Welch is also requesting a variance consideration to allow for a 4' x 4' sign to be placed along Stewart Road. In February 2009, a similar sign variance was awarded at 2 ½ Inspiration but downsized from a 4'x6' to a 36" x 42" sign, similar consideration should be given to Mr. Welch. Staff recommendation was for approval subject to: 1) 1 year re-evaluation, 2) acquisition of a business license, 3) random visits by City (Health) Officials, and 4) sign size to be 36"x42".

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

Mr. Gil Quintanilla claimed to have a petition of 80% in opposition. Their concern of having a taxidermist shop behind their homes, are: the smell, any diseases that may come with the bodies, the possibility of seeing dead carcasses, water contamination, toxic chemicals, the disposal of the organs, and the value of their homes.

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

Mr. Wade Welch, was present and mentioned that his son Tyler Welch had been doing taxidermy as a hobby for the past 2 years, and recently he decided to take it up as a profession. He wants to start a business and knows that it doesn't happen overnight and he can't go out there and pay rent. He stated that they were not aware that there were any concerns until 30 minutes before the meeting and, if they had known, they would have talked to the neighbors to ease their concerns about what they plan to do. He stated that they are not going to impact the neighborhood in any way. He mentioned that his son has a list of chemicals that he uses that won't harm the environment and are biodegradable. He stated that anyone washing their car residue does more to the storm system than the chemicals they are using. Mr. Welch mentioned that there would be no dead carcasses; all they are going to receive are cleaned antlers and skins. He stated whatever is left will be cleaned and frozen until trash pick-up day. No smell and no build up will be evident and, if approved they understand that they will have to come back for a re-hearing.

Mr. Tyler Welch stated that being a professional taxidermist, smell is one of the biggest enemies because bacteria causes the loss of hair and ruins the pelt.

Vice-Chairman Sheats mentioned that it would be a good idea for them to get together with the people from the neighborhood.

Mr. Garza mentioned that he would recommend tabling the item at this time so Mr. Welch could speak to the neighbors.

Mr. Vela mentioned that it would be a good idea to discuss it amongst themselves first.

Mrs. Caudle said she didn't have a problem with it. She has been in a taxidermist shop before, and she knows exactly what goes into this; and about the bacteria, she knows they guard against it because it ruins the pelts. She agreed that the item should be tabled at this time, though.

Vice-Chairman Sheats mentioned that there was another person in the audience.

Dr. Rick Fleming, who lives at 1615 Solar Dr., stated that he generally is opposed. He stated that he moved there because it was a residential community inside the City of Mission. He certainly doesn't want any type of commercial business near his residence. He also mentioned that to his understanding, in the State of Texas, there isn't any type of regulatory body that regulates taxidermists. He understood that carcasses are delivered whole that includes the head, the brain; thus, the disposal of the organs is a concern. He wanted to go on the record that he opposed this.

Mr. David De Los Santos, who lives at 1707 E. Solar Dr., said that he also moved to this area to get away from businesses. He also mentioned his concern for bio-hazards in a residential area.

There being no further discussion, Vice-Chairman Sheats entertained a motion. Mr. Garza moved to 'Table' the conditional use permit to allow for the applicant to meet with the neighborhood. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Ruben Plata mentioned that he was also a neighbor adjacent to the property, and understands the concern of the neighbors; and as a council member, he will follow the recommendation from the Planning and Zoning Board. He mentioned the best thing for Mr. Welch to do is to work with the neighbors, and wished Mr. Welch the best.

Mr. Julio Cerda stated that he was also a neighbor, and he agreed that the item be tabled so the Welch family can speak to the neighbors.

Started: 5:35 p.m.

Ended: 5:41 p.m.

Item # 1.5

Conditional Use Permit:

**'Sale and On-Site Consumption of Alcoholic Beverages'
at 'La Herradura Restaurant'
1215 E. Expressway 83
Lot 14-16, Heritage Commercial Plaza
Subdivision #1
C-3
Life of Use
Diego Salinas**

Mr. Acevedo went over the write up stating that the property is 780' West of Bryan Road along the North Side of U.S. Expressway 83. The applicant is proposing to re-open the 6,000 sq. ft. restaurant (formerly La Tejana Steakhouse) and desires a CUP for the sale and on-site consumption of alcohol. There is a separate room that will contain a bar so as not to interfere with the regular dining area. The proposed days and hours of operation of the restaurant are Sunday through Thursday from 11:00 a.m. to 12:00 and Fridays and Saturdays from 11:00 a.m. to 2:00 a.m. Such uses need to be 300' from residential uses. Currently, there is a residential development located immediately north (across a public alley). Viewing the floor plan, the 6,000 sq. ft. building will have a grand total of 182 seating spaces. One parking space for every three seats equates to 61 parking spaces required. A total of 62 parking spaces are proposed for this development, exceeding code by 1. Access to the site will be from a 45' driveway to U.S. Expressway 83. All building, fire, landscaping, and sign codes must be complied with. Staff recommends approval subject to: 1) waive the 300'

separation requirement to the residential use, 2) acquisition of a business license, and 3) 1 year re-evaluation after new operation activated.

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

There was no response.

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

The applicant, Mr. Diego Salinas, was present to answer any questions.

Mrs. Caudle asked if the bar area had a separate entrance.

Mr. Acevedo stated that there was a separate entrance to the bar area however it is also accessible through the main dining area.

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

Started: 5:41 p.m.

Ended: 5:45 p.m.

Item # 1.6

Conditional Use Permit:

**'Sale and On-Site Consumption of
Alcoholic Beverages'
at 'Buffalo Wings & Rings'
West 294.13' of Lot 2A
Colorado Subdivision Amended
C-3
Life of Use
Alejandro Espinosa**

Mr. Acevedo went over the write up the property is at the NE corner of Shary Road and Colorado Street. Currently, there is a 5,171 sq. ft. building under construction on Lot 2A for the proposed restaurant operation. The proposed days and hours of operation are Sunday through Thursday from 11:00 a.m. to 12:00 a.m., and Friday and Saturday from 11:00 a.m. to 2:00 a.m. There are no residences, schools, parks, or places of worship within 300 feet. Viewing the floor plan, the 5,171 sq. ft. building will have a grand total of 237 seating spaces proposed in the dining area and bar area. One parking space for every three seats equates to 79 parking spaces required. A total of 3 handicap parking spaces and 91 regular parking spaces are proposed for this development, exceeding code by 15. Access to the site will be from a 30' driveway to Shary Road and a second 25' driveway to Colorado Street; the proposed restaurant will also interface with Holiday Inn Express. All building, fire, landscaping,

and sign codes must be complied with. Staff recommended approval subject to: 1) acquisition of a business license, 2) wet zoning the property, and 3) 1 year re-evaluation after new operation activated.

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

There was no response.

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

Mr. Alejandro Espinoza was present to answer any questions the board might have.

Vice-Chairman Sheats asked if there was going to be live music or dancing.

Mr. Espinoza replied that there was no live music or dancing.

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

Started: 5:45 p.m.

Ended: 5:45 p.m.

Item # 1.7

Conditional Use Permit:

**Residential Structure for Office Use
in an AO-I Zone
3503 N. Taylor Road
Lot A-1 Summer Estates Subdivision
AO-I
Life of Use
Mark V. Richards**

Mr. Zavala mentioned that he received a request from the applicant, Mr. Richards, to table the item.

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

Started: 5:46 p.m.

Ended: 5:48 p.m.

Item # 1.8

Conditional Use Permit:

**Sale and On-site Consumption of
Alcoholic Beverages in a Bar setting
601 "C" Business 83**

**Lots 7 & 8, Block 165
Mission Original Townsite Subdivision
C-3
Life of Use
Eleazar Zavala (Los Pescadores Restaurant)**

Mr. Zavala went over the write up stating that subject site is located on the NE area of Business 83 and St. Marie. The days/hours of operation are Monday – Sunday from 11:00 a.m. to 10:00 p.m. They will have five full time employees staffing the seafood restaurant. Parking for this multi-unit complex includes 24 spaces that are held in common for two restaurants, a retail outlet, and a carwash. Staff has never received any complaints regarding a 'Lack of Parking' for this area; thus, we expect similar success with this small restaurant operation. Staff recommended approval subject to 1) 1 year re-evaluation and 2) wet-zone the site.

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

There was no response.

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

Mrs. Maria Zavala was present to answer any questions from the board.

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

Started: 5:48 p.m.

Ended: 5:55 p.m.

Item # 2.0

Single Lot Variance:

**A 9.0 ac. tract of land out of Lot 226
John H. Shary Subdivision
AO-I
Sharyland I.S.D.**

Mr. Salinas went over the write up stating that this property is located on the SW corner of Sunset Lane and Taylor Rd. In April of this year, a CUP was approved for the expansion of an institutional use for SISD, in which they wished to remodel an existing residence for an instructional facility for general purposes, such as Phys. Ed., Career and Technology, etc. Due to asbestos findings on the (residential) structure, SISD would instead like to construct a new facility for the same use on the east most 330' X 211' piece of the 9-acre tract. The property has access to an existing 6" waterline running along the west side of Taylor Rd. The Fire Marshal is requiring a fire

hydrant to be located near the intersection of Taylor Rd. and Sunset Lane. In regards to sewer, there is an existing 10" sewer line that is located within the un-recorded Sunset Gardens Subdivision. There would have to be an agreement made between SISD and the owner of the un-recorded Sunset Gardens in order to connect into the sewer. The property fronts Taylor Rd., a future 80' ROW/57' B/B street. The MPO Thoroughfare plan requires a 40' ROW dedication from the centerline of the street. The property also fronts Sunset Lane, which the majority is currently owned by SISD. The future ROW for Sunset is projected to be 50'. The adjoining Sunset Gardens will be dedicating a 5' ROW, 45' of ROW to be dedicated by SISD during this process. The ROW dedication should include a corner clip along Taylor and Sunset Lane, similar to what Sunset Gardens will dedicate. Finally, since SISD owns an adjoining tract of a 100' X 50' abandoned UID ROW to the western perimeter, this tract must now be merged into subdivision compliance instead of being detached into (in effect) a reserve strip which is prohibited by Code. Any ROW dedication will require the applicant to provide the legal deed documents (Survey, title commitment, etc.) to be approved by the City Attorney. Via policy, this developer will be responsible for their portion to widen Taylor Rd., equating to \$11,795.19 (\$55.90/l.f. X 211'). Other Comments include: Capital Sewer Recovery Fee – \$750/ac. X 1.6ac. (Specific acreage used for facility) = \$1,200.00 (future building permits/usage will impose similar Capital Sewer Recovery fees.); rezone the property to R-1A to match campus site and facilitate future permits; a CUP will be required for the expansion of the institutional use; Water District Exclusion; and Street lights will be required along Taylor Rd. and Sunset Lane. Staff did not object to the single lot variance subject to, 1) escrow: Street widening along Taylor Road, 2) payment of capital sewer recovery fees, 3) dedicate 40' ROW from centerline of Taylor Road; also dedicate the required ROW for Sunset Lane; and dedicate a 100' x 50' abandoned UID ROW (future Banworth Rd. ROW) located along the western perimeter of the 9 acre tract, 4) rezone the property to R-1A. 5) provide street lighting along Taylor Road and Sunset Lane, and 6) exclusion from the Water District

Mr. Salinas said that SISD needs to dedicate a 100' x 50' abandoned UID ROW on the western perimeter, too.

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

The project Engineer, Mr. Mariano Garcia was present and stated that they need to get together with UID as they reserved some rights to the abandoned ROW.

Vice-Chairman Sheats asked if there was an issue with this.

Mr. Zavala mentioned that UID probably has an active irrigation line, and typically the developer would need to reinforce it, when the portion of the street is done, however what the city would prefer is for the ROW to be dedicated to the City and when the time comes to improve it, the City would work it out with UID.

Vice-Chairman Sheats asked if this would be included on the recommendation and other comments.

Mr. Zavala replied yes.

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

Started: 5:55 p.m.

Ended: 6:00 p.m.

Item # 3.0

**Tabled 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.**

Vice-Chairman Sheats entertained a motion to remove the item from the "Table". Mrs. Caudle moved to remove the item from the "Table". Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo stated that on July 20, 2009, Mr. Raul Martinez leased the building/business from Mr. Armando Cantu and has alerted staff that if approved, all pending items will be promptly addressed. Raul Martinez desires to continue the use of a 7' X 8' portable metallic building used for the sale of hamburgers, hot dogs, and tacos at the E-Z Mart Convenient Store. Entrance to this site is derived from two driveway cuts along Los Ebanos, and two from Business Highway 83. Mr. Martinez desires to be open Thursday through Sunday from 6:00 p.m. to 11:00 p.m., a total of 20 hours per week. Mr. Martinez will have two other part-time employees as the only employees. The portable building is located along the west side of the store. There are a total of 16 striped parking spaces (includes 1 handicap parking space) at the E-Z Mart Convenience Store for which all 11 are required for the store's use, however, a total of 24 are available when factoring the parking under the canopies; thus, parking is satisfactory to our codes. Since this CUP was tabled on 8/19/09, Staff has been alerted by TXDOT that the permit application for the construction of sidewalks along Business 83 has been denied due to the limited space. Staff recommended approval subject to: 1) the installation of vinyl slats on the chain link fence in garbage area (within 45 days), 2) the acquisition of a new Business License, and 3) 3 year re-evaluation

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

There was no response.

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

There was no response.

There being no further discussion, Vice-Chairman Sheats 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: 6:00 p.m.

Ended: 6:04 p.m.

Item# 3.1

Tabled Conditional Use Permit:

**Drive-thru Service Window
at Antojito's Mexicanos # 2
301 W. Griffin Parkway, Suite # 1
Lot 1-D, Mission Park Plaza Subdivision
C-3
Life of Use
Blue Mountain Development**

Vice-Chairman Sheats entertained a motion to remove the item from the "Table". Mrs. Caudle moved to remove the item from the "Table". Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Acevedo went over the write up stating that this item was previously tabled to allow staff to meet with the owners on some traffic concerns. After meeting with the owners, staff feels that with some conditions this CUP may safely work. The subject site is located 650' west of the Conway along the south side of Griffin Parkway within an existing commercial complex that has 10 leased spaces. 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. The service window will not have a menu board; customers will order and wait for their order at the window. The applicant will be installing two waiting areas just north of the service window so customers can wait for their orders during busy hours. In addition to the two waiting spaces, 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 approval subject to: 1) acquisition of a business license, 2) one year re-evaluation to assess this new operation, 3) a speed bump to maximize pedestrian safety, 4) marked waiting areas ahead of window to maximize customer service, and 5) the landscaped island to be kept trimmed to not impede visibility.

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

There was no response.

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

Mr. Joe Chapa was present to answer any questions the board might have.

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

Started: 6:04 p.m.

Ended: 6:12 p.m.

Item# 4.0

Tabled

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 Eng

Vice-Chairman Sheats entertained a motion to remove the item from the "Table." Mrs. Caudle moved to remove the item from the "Table." Mr. Garza seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Salinas stated that the plat was tabled on 8-19-09 due to concerns regarding access to La Homa Rd. and the drainage for the non-residential Lots fronting La Homa Rd. Since then, the developer has filed, with TxDOT, the non-residential driveway access permits. In regards to the drainage, project engineer Gilbert Gracia submitted a new drainage plan diverting the flow northward through a series of 18" storm lines and side/rear swales, which then flow into an 8" bleeder line leading to La Homa's roadside ditch that they will re-grade. The new drainage proposal has been approved by Hidalgo County Drainage District #1 Manager Godfrey Garza. Insofar as the

proposed non-residential lots, the swales for the commercial/multi-family lots will be specifically designed by the owner's agents during the building permit stage; this is a common practice even within a city's limits because the 'commercial plan' is unknown during the platting stage, the variable extent of impermeability from lot-to-lot is unknown at this point. However, to assure that the proper detention will ultimately result, a plat note showing the required amount of detention has been added. The city does not object to having this developer follow typical compliance policy for the non-residential lots.

Since typical rural ETJ policies have been met where the Drainage District has approved of their revised plan, Staff recommended approval subject to plat noting the amount of detention required per lot, meeting the Model Subdivision Rules, and assuring that all lots comply with the minimum ½ acre standard.

Mr. Bobby Salinas said that City Engineer Roberto Salinas had reviewed the plat's drainage and concurred that Hidalgo County's drainage policies were met.

Vice-Chairman Sheats asked if the applicant or representative was present.

Mr. Gilbert Gracia, representative from Izaguirre Engineering, was present to answer any questions the board might have.

Vice-Chairman Sheats mentioned that the City had reviewed the plat and it appeared that some lots had to be slightly re-drawn to equate to the ½ acre standard. Mr. Gracia indicated that the lots could easily be re-drawn.

Mrs. Marin asked if the lots facing La Homa Road were going to be for commercial use.

Mr. Salinas replied that those lots had the option to be residential, multi family or commercial, noting that there is no land use zoning in the County.

Mrs. Marin voiced a concern in that commercial lots pave a lot of the property and asphalt did not absorb water; thus, the runoff was going straight to La Homa Road.

Mr. Salinas replied that plat note # 23 addressed this matter where the lot will utilize a 15' swale easement on its perimeter east where the 15' would be reserved for detention swales.

Mrs. Marin asked if the swale was going to hold all the water from such an impermeable area.

Mr. Zavala replied that the drainage detention for each lot had been calculated, plat noted, approved by the Drainage District, and would be enforced during the County's building permit process.

Mr. Zavala added that on an earlier question regarding 'where the next driveway is north of this plat?' it is likely existing in an estate-residential setting but if and when the adjoiner plats, then the prevailing TXDOT regs. regarding access points would be considered.

City Engineer Roberto Salinas mentioned that this subdivision was in Mission's Rural ETJ; thus, the County would assure proper detention within the 15' when they seek any permits. He added that if the perimeter swale had to be deepened from 3' to 4' depending on the extent of impermeable coverage, then that would be factored in during the permit process, too.

There being no further discussion, Vice-chairman Sheats entertained a motion. Mr. Garza moved to approve the plat as recommended by Staff including compliance to the ½ acre requirement. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

5.0 OTHER BUSINESS

Mr. Salinas stated that there was no other business.

6.0 ADJOURNMENT

There being no further items for discussion, Vice-Chairman Sheats entertained a motion to adjourn. Mr. Garza moved to adjourn. Mrs. Caudle seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:13 p.m.

Ned Sheats, Vice-Chairman
Planning and Zoning Commission