

**PLANNING AND ZONING COMMISSION
JANUARY 6, 2010
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Luann Caudle
Jose G. Vela
Marisela Marin
Mario Garza
Rene A. Flores
Carlos Lopez

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Julio Cerda
Willie Seguin
Irasema Dimas

GUEST PRESENT

Martina D. Haro
Annette Garza
Glenn Wise
Sheila M. Pankratz
Otoniel Martinez
Jose Chanin
Miguel Chanin
Gloria E. Mata
Reynaldo De Leon
Norma L. Montez
Juana M. Trevino
Martin Mendoza
Aurora Lopez
Mrs. Villarreal
Glenn Wise
Bill Filut
Berta Filut
Ruben Sanchez
Ruben Flores
Agustin Lopez Jr.
Sandra Flores
Yolanda Villalon
Delsa Valdez
J. Munguia

CALL TO ORDER

Mr. Ned Sheats called the meeting to order at 5:03 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR NOVEMBER 18, 2009

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

**Item# 1.1
Election of Chairman and Vice-Chairman**

Mr. Zavala stated that it was common procedure to elect a Chairman and a Vice-Chairman every year. He also announced that former Chairman Raul Sesin was no longer on the board. He welcomed Mr. Carlos Lopez and Mr. Rene A. Flores to the board.

Mr. Sheats asked if there was any nomination for Chairman. Mrs. Caudle nominated Mr. Sheats. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats asked if there was any nomination for Vice-Chairman. Being none, he nominated Mrs. Marin. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:25 p.m.

Item#1.2

Public Hearing to Consider on Whether to Revoke or Not the Conditional Use Permit Issued to Ruben De Leon to Retain a Recreational Vehicle on Property Zoned Single Family Residential at 126 S. Canal aka Lot 16, Block 13, Southwest # 1 Subdivision.

Mr. Zavala stated that staff received a letter on November 20, 2009 where the sender alleged that the CUP was in non-compliance. Staff has discussed the allegations with the elderly parent, Mr. Ruben De Leon, whom has stated that the RV-resident son 'si me ayuda' ("does help me"). In our conversation with Mr. Reynaldo De Leon (RV-occupant), he does work from 8 am until 5pm at Skinner Funeral Home in Pharr. He alerted staff that sometimes he goes home during his lunch hour to help his father. Mr. Rey De Leon some times works in evenings (for viewings) and gets home after 9 pm but he states that such occasions are not daily (estimate about 4-6 times per month). Mr. Rey De Leon states that he does have to work to pay the family bills, etc.; and when he is absent, some of his other siblings help their father, too.

Mr. Zavala stated that this matter is being presented to P&Z as a judging board to discern if the threshold of 'caring for the elderly parent' is met by the above circumstances to warrant the RV to remain. Staff has had 2 face-to-face conversations with Mr. Ruben De Leon, the elderly parent, who both times has attested that Mr. Reynaldo De Leon does help him. After hearing the testimony of interested parties, P&Z may: revoke the CUP or re-sustain the original CUP, which is due for re-evaluation in April 2011.

Chairman Sheats mentioned that he would only allow 5 minutes discussion for the people against and 5 minutes discussion for the people in favor.

Chairman Sheats asked how many people were present in favor of the removal of the RV.

2 people raised their hands.

Chairman Sheats asked how many people were present in opposition of the removal of the RV.

2 people raised their hands.

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

Mrs. Norma Montez stated that she was the one that submitted the letter to have the RV removed from her father's property. She mentioned that during the CUP Mr. Reynaldo De Leon stated that he was the care taker of his father and in reality it used to be another sister, she has let go of the responsibility with Adult Protective Services. She stated that she took over with her other sister Yolanda Villalon. She stated that her father needs nebulizer treatments and special medications. She stated that herself and her sister Yolanda were in charge of all of that including the meals for the day. She also mentioned that Reynaldo De Leon has been living in the RV for quite a while but has caused many problems for the family. She mentioned that there have been several police reports, since he calls the police department for almost everything. Mrs. Montez described several incidents that Mr. De Leon has caused with regard to the family.

Chairman Sheats stated that the incidents mentioned by Mrs. Montez were irrelevant to the conditional use permit.

Mr. Flores asked Mrs. Montez how many total members there were in the family.

Mrs. Montez replied that there are 7 siblings, but only herself and her sister take care of their dad.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Gloria E. Mata from 1617 Iowa, Apt. "C" stated that she was present due to the dilemma that was going on. She stated that since her father was not present and being that he is the interested party, if the board could table the item. She also mentioned to the board that she also takes care of her father and that the City of Mission and Code Enforcement should have not gotten involved due to being a civil matter. Mrs. Mata mentioned to the board that she was in total disagreement with the letter that her sister Norma Montez wrote to the city in reference to the

RV. She stated that her other brother Roberto lives with her father but he is doing stuff that he should not be doing and brings a lot of problems for her dad.

Mr. Flores asked where Mr. Ruben De Leon was?

Mrs. Mata replied that he didn't want to attend the meeting because he did not want to see the problems between his children.

Mrs. Marin stated that Mr. Ruben De Leon would need to attend the meetings in order for the board to hear what his desires are, otherwise the board would be inclined to revoke the permit.

Mr. Flores mentioned that Mr. Reynaldo De Leon would also need to be present in order to ask him questions.

Chairman Sheats asked Mrs. Mata if Mr. Ruben De Leon was physically capable without any undo attend the next meeting.

Mrs. Mata replied that he was capable to attend and make his own decisions.

*Mr. Reynaldo De Leon was present raising his hand, but was not acknowledged by the board.

After a brief discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to 'Table' the conditional use permit. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:30 p.m.

Item # 1.3

Conditional Use Permit:

Carnival and Fun Fair

12.4 Acres out of Lot 25-6,

West Addition to Sharyland Subdivision

AO-I

Jan. 17, 2010 through Feb. 3, 2010

Texas Citrus Fiesta (c/o Bertha H. Filut)

Mr. Salinas went over the write-up stating that the subject site is located near the NW corner of Conway and Griffin Parkway (F.M. 495). Texas Citrus Fiesta organizers have been given permission to have the carnival and fun fair on the vacant lots to the north and west of the old Carl's Supermarket on the dates mentioned above. The hours of operation are as follows: Weekdays 5:30 p.m. to 10:30 p.m. and Weekends 1:00 p.m. to 11:30 p.m. Parking for both events will be provided by utilizing the old Carl's parking lot adjacent to the two events. We encourage that "No Parking" signs be placed along Conway and F.M. 495 and that

there be early morning trash pick-up throughout the entire site during the "Heart of America Shows" Carnival's tenure.

The Zoning code states that a carnival site should be a minimum of 300' away from a residentially used property from lot line to lot line. There are 3 homes currently being constructed within the new Oaks at Holland Phase II subdivision, however the homes will not be completed for this 2010 event, thus in compliance with the separation code (Note: these new homes will trigger the separation requirement if the 2011 Texas Citrus Fiesta is at this same location).

Security will be evident as in past events via Mission PD officers (as hired by TCF) and sufficient restrooms will be available. All provisions of Chapter 10 of the Mission Code of Ordinances – Amusement and Entertainment will need to be complied with in particular the insurance coverage requirement for amusement rides. Staff recommends approval subject to: **1)** installation of a perimeter fence/debris stop, and **2)** installation of "No Parking" signs along Conway and Griffin Parkway.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Berta Filut from Texas Citrus Fiesta stated that it was getting harder and harder to find land and that it looked like this was the last time that this land would be used for the Texas Citrus Fiesta. She stated that the commission tries to keep everything in town because it brings revenue of 5.3 million dollars during the month. Mrs. Filut mentioned that the only thing changing this year was that the parade would start at 4 o'clock, that way they would satisfy the people that don't like it at noon and night, and it would be over around 6 or 6:30, which would not be dark. She also stated that the vendors at the Funfair in the past were closed at 8 o'clock but now in this site and having everything together the vendors stay until midnight. She mentioned that the Sheriff's department would be helping with 30 cadets in order to direct traffic, parking and guarding the vaqueros.

Chairman Sheats asked why it would be the last year in that location.

Mrs. Filut replied that due to more houses being built in the area it would probably be more difficult to get the approval from the board.

Chairman Sheats replied that the board would cross that bridge when the time comes and at this time the only thing that they want to make sure is that the land would be cleaned out at the end of the carnival.

Mrs. Filut replied that they had an agreement with Mr. Bushhort, the carnival owner, who has to leave the place clean.

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

Started: 5:25 p.m.

Ended: 5:30 p.m.

Item # 1.4

Conditional Use Permit:

Home Occupation – Registered

Home Daycare

806 W. 2nd Street

E. ½ of Lot 3, Citrus Subdivision

R-1

Life of Use

Annette Garza

Mr. Salinas went over the write-up stating that the subject site is located 120' from the NW intersection of Holland Road and W. 2nd Street and is immediately south of Pearson Elementary School. The home has a two-car driveway off of W. 2nd Street capable of accommodating the safe drop off and pick up of children. There is no sidewalk to facilitate pedestrian traffic. P&Z may consider a 6-month period to provide a 4' sidewalk if this CUP is approved. There is a 4' chain link fence along the west side of the property, a 6' chain link fence along the rear abutting the school, and there is no fence along the east side of the property. In order to maximize protection, muffle noise, and obstruct visibility, a 6' opaque buffer should be imposed. The east side of the property would have to be fenced in prior to provide the 6' solid buffer on the north and west sides to have an entirely secured play area. The kitchen, dining room and living room are the areas to be utilized for childcare. The days/hours of operation: Monday – Friday from 7 a.m. to 6 p.m. and Saturdays from 7 a.m. to 2 p.m. Herself and 1 other adult not residing in the home would be the only employees. Mrs. Garza must obtain DHS certification, which will assign the maximum number of children to be cared for. Any signage would have to be a max. of 1' x 1'. Must comply with Sec. 1.56-1 of the Zoning Code (home occupations regs.). Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** must obtain DHS certification, **3)** installation of a 6' wooden fence along the east side of the property prior to business license issuance, **4)** provide 4' sidewalk and the remaining 6' wooden fence (north and west side) within 6' months after business license issuance, **5)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **6)** acquiring a business license.

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

Mr. Agustin Lopez the property owner for Lot 1 stated that he had many problems trying to maintain the property and did not want people trespassing.

Chairman Sheats asked Mr. Lopez what the information had to do with the conditional use permit.

Mr. Lopez stated that when Mrs. Garza built the house, he was told that they also trespassed onto the property without his permission; and he also mentioned that Mrs. Garza did not have ample parking in order to have the daycare.

Mr. Salinas replied that this was a home occupation and it would only care for a minimal amount of children determined by the state.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Annette Garza was present to answer any questions.

Chairman Sheats asked Mrs. Garza if she understood that if the board approved the home occupation there would be no parking on the lot next-door.

Mrs. Caudle asked Mrs. Garza if she was willing to comply with the wood fence requirement and the sidewalk.

Mrs. Garza replied that she would be complying with all the requirements.

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

Started: 5:40 p.m.

Ended: 5:41 p.m.

Item # 1.5

Conditional Use Permit:

**Home Occupation – Registered
Home Daycare
3304 Santa Inez
Lot 123, Los Nogales Subdivision
Phase III
PUD
Life of Use
Martina D. Haro**

Mr. Salinas went over the write up stating that the subject site is located 136' from the SW intersection of San Armando and Santa Inez. The home has a two car driveway off of Santa Inez capable of accommodating the safe drop off and pick up of children. There is also an existing 4' sidewalk for pedestrian traffic. There is also a 6' opaque buffer fence surrounding the rear of the residence to maximize

protection of the children. The dining room and living room are the areas to be utilized for childcare. The days and hours of operation are Monday thru Friday from 7 am to 7 pm. Herself and 3 others, all live in the home except one, thus complying to code. Mrs. Haro must obtain DHS certification, which will assign the maximum number of children to be cared for. Any signage would have to be a max. of 1' x 1'. Must comply with Sect. 1.56-1 of the Zoning Code (home occupations regs.). Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** must obtain DHS certification, **3)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **4)** acquiring a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Martina D. Haro was present to answer any questions.

There being no further discussion, 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: 5:47 p.m.

Item # 1.6

Conditional Use Permit:

**Home Occupation – Flower Shop
1632 N. Bryan Road
Lot 2 & the N. 39' of Lot 3, Blk. 2
Bryan Heights Subdivision
R-1
Life of Use
Aurora Lopez**

Mr. Zavala went over the write up stating that the site is approximately ½ mile south of FM 495 along the east side of Bryan Road. The applicant wishes to open a flower shop within the existing detached garage. The applicant will remodel the interior of the garage and install a refrigerator for the storage of the flowers. Access is provided through an existing 20' concrete driveway that expands to allow for 5 parking spaces, with four open spaces available for the public during business hours. The days/hours of operation are: Monday – Sunday from 9:00 a.m. to 6:00 p.m. Staff would be herself and 2 others; 1 not residing in the home. Mrs. Lopez will only utilize the other two family members when needed, large orders/deliveries, etc. She would be the only person working at the flower shop the majority of the time. Any signage would have to be a maximum of 1' x 1'. She must comply with

Sec. 1.56-1 of the Zoning Code (home occupations regulations). Absolutely no exterior displays of 'flower shop' items will be allowed, especially during Valentine's Day, Mother's Day, etc. This includes ribbons or any painting of trees.

According to the applicant, the majority of her business is phone based, i.e. customers call in orders and the shop delivers to the desired location. However, there will be occasions where walk-in traffic is expected, such as Valentine's Day, Mother's Day, Christmas, etc. Staff has received 1 letter in opposition to this request. Staff recommends approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** comply with Sec. 1.56-1 of the Zoning Ordinance, **3)** No exterior display of 'flower shop' items, and **4)** acquire a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Aurora Lopez was present to answer any question from the board.

Chairman Sheats asked Mrs. Lopez if she understood all the requirements.

Mrs. Lopez replied, 'Yes'.

Mrs. Marin asked Mrs. Lopez how she advertises for her business.

Mrs. Lopez replied that she had a prior business in McAllen and that she already has her clientele.

Mrs. Caudle asked if the fresh flowers would be delivered or if she would pick them up.

Mrs. Lopez replied that she picks them up.

There being no further discussion, 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: 5:47 p.m.

Ended: 5:55 p.m.

Item # 1.7

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages
303 N. Shary Road
(Previously *Café de Paris*)**

**Lot 1, Gutierrez-Alvarez Subdivision
C-3
Life of Use
Jose Chanin**

Mr. Zavala went over the write-up stating that the restaurant is located 1/3 mile north of the Expressway along the west side of Shary Road. The re-activation of this attractive building is as follows:

- 1st Floor: re-open 1st floor as an Italian bistro setting:
1st floor has 1040 sq.ft.
Hrs. of operation are expected to be typical (weekdays 10am –10pm)
- 2nd Floor: activate during mid-evening & late evening as a bar
2nd floor has 425 sq.ft.
Hrs. of operation will be mid-evening until closing after midnight
TABC clearance will be mandatory, of course.

Mr. Chanin is the property owner of the retail/office-type suites to the south. As seen in the aerial and/or site plan, there is one driveway access point for both the restaurant/bar and the southern suites. This single-driveway access point is important because it maximizes traffic safety by reducing conflict points on a widened Shary Road.

First and foremost, we state that the parking of the suites to the south will be available for patrons using the Italian bistro (with their staff using the least conducive spaces). The plan is that once the southern suites are closing, their parking will become available for the restaurant/bar use. Since Mr. Chanin is in control of leasing the suites, this measure of user control is important to dissuade any late-hour prospects.

Planning believes that with merger of the southern suites' parking, this will definitely improve the previous parking concerns of the original occupant. Since there is a bar component, such uses must be 300' from are residences... there are some homes within the 300' radius. Staff recommended approval subject to: **1)** waiving the 300' separation requirement, **2)** 1 year re-evaluation after business license issuance, and **3)** acquire a business license.

Chairman Sheats asked staff if there would be a way to guarantee that when the properties were to be sold separately then the CUP would no longer be in effect.

Mr. Zavala replied that once a new owner comes then he would need to apply for a new CUP.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jose Chanin the applicant mentioned that he had the opportunity to acquire the property and that he was proposing an upscale restaurant.

Mrs. Caudle asked if he owned the property to the south as well.

Mr. Chanin replied 'Yes'.

Mr. Flores made a comment on that it was a beautiful building and that it was nice that the City was acquiring more business like this.

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

Started: 5:55 p.m.

Ended: 6:00 p.m.

Item # 1.8

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages in a
Bar & Grill setting
302 W. Griffin Parkway, Suites A & B
Lot 2, Storage Depot Subdivision
C-3
Life of Use
Martin Mendoza**

Mr. Acevedo briefed over the write-up stating that the site is located approximately ¼ mile west of Conway Avenue along the north side of Griffin Parkway (FM 495). Currently, on Lot 2 there is a building under construction with 7 suites proposed. The applicant will lease (2) suites for a bar and grill restaurant where the sale and on-site consumption of beer and alcohol is proposed. The proposed days and hours of operation are Monday through Sunday from 3 p.m. to 2 a.m. At this time the owner plans to open only in the evening hours serving dinner only. There will be piano and acoustic music only; no DJ or loud bands. A total of 4 full time employees and 4 part time employees are proposed for this new restaurant/bar. Alcoholic beverages will only be served during the allowable State selling hours. There is one residence within 300' (see aerial); however there is a solid series of storage units to the home 290' to the west (Norma Andis).

In reviewing the floor plan, the proposed restaurant/bar will consist of 2,371 sq.ft. total area. The applicant is proposing a total of 36 seats. The parking required for a restaurant is one parking space for every three seats or one space for every 75 sq.ft., whichever is greater. Based on this formula, 12 parking spaces are required for this operation. As seen on the site plan, 48 paved parking spaces will be held in common and for this development. Staff has alerted Nicolas Elizondo (developer/owner) that no additional restaurants will be allowed at this development. Mr. Elizondo was receptive and advised Staff that only the subject suite has been built-out and will be the only designated restaurant.

A total of 11 notices were mailed to property owners within a 200' radius. As of this writing (12/07/09) staff has not received any calls in favor or against this request. The Fire Marshal has reviewed the application and had no additional requirements for approval. Staff recommended approval subject to: **1)** waive the 300' separation that a 'bar' must be to a residence, **2)** wet zone the site, **3)** acquisition of a business license, and **4)** 1 year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Juana M. Trevino stated that it would be more like a lounge and would be open from 3:00 p.m. to 2:00 a.m. She stated that appetizers would be served as long as the customers continue ordering drinks.

Chairman Sheats asked Mrs. Trevino if she was planning on having loud music.

Mrs. Trevino replied that it would only be soft music.

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

Started: 6:00 p.m.

Ended: 6:02 p.m.

Item # 1.9

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Villa Del Mar
207 E. Expressway 83`
Lot 3, El Pueblo Phase II Subdivision
C-3
Life of Use
Angel H. Villarreal**

Mr. Salinas briefed over the write-up stating that the restaurant site is located within a plaza approximately 600' east of Conway Avenue along the north side of the Frontage Road of Expressway 83. The restaurant is 2,250 square feet with its proposed hours of operation being from 10:00 a.m. to 10:00 p.m., Monday through Sunday. Alcoholic beverages will only be served during allowable State selling hours.

In reviewing the floor plan, there are 84 total seating spaces for the restaurant, which require 20 parking spaces (2,250 sq. ft./75 sq. ft. = 30 parking spaces). It is noted that the parking area is held in common (225 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to the existing, interlocking parking lots.

There was an existing restaurant that sold alcohol prior to this proposal (Peter Piper Pizza) within the same plaza. This proposal, like Peter Piper Pizza, does not have a "bar" component and would not be open after 10 p.m. Since the sale of alcohol does not seem to be the primary use and has worked at this plaza before, staff does not object to this proposal. Additionally, notices were sent to property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department. Staff recommends approval subject to: **1)** acquisition of a business license, and **2)** 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Villarreal was present to answer any questions.

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

Started: 6:02 p.m.

Ended: 6:04 p.m.

Item # 2.0

Conditional Use Permit Renewal:

Home Occupation – "Computer Repair Services"

1409 Evergreen

South E. 38' of Lot 5 & SW 4' of Lot 6

Evergreen Manor Subdivision

**R-1T
Life of Use
Glenn Wise**

Mr. Acevedo went over the write up stating that the CUP was originally approved on 12/12/07 and needs renewal consideration. The subject site is 125' west of Bryan Road along the north side of Evergreen. Mr. Wise has his townhouse residence thereon and uses his enclosed garage as his shop area. A field visit revealed that there is a 29' x 13' driveway at the south side of the home leading to a single car garage, which serves the purpose of both his shop, and a 1-vehicle garage. There is also a sidewalk leading from the street to the home's front door. The current home occupation operates Monday through Friday from 5:00 p.m. to 8:00 p.m., and Saturday from 1:00 p.m. to 6:00 p.m. or 20 hours a week. Mr. Wise is the only person running this home occupation. Mr. Wise has also alerted staff that traffic is minimal with only 1-3 repairs a week, and strictly by appointment or referrals only. Due to the retirement (sensitive) community feature, Staff recommended approval subject to a 1-year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Wise was present to answer any questions.

There being no discussion, 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: 6:05 p.m.

Ended: 6:06 p.m.

Item # 2.1

**Conditional Use Permit Renewal: Sale & On-Site Consumption of
of Alcoholic Beverages
523 N. Conway Avenue
Lot 12, Block 92,
Mission Original Townsite
C-3
Life of Use
Cocina Del Caribe**

Mr. Acevedo went over the write up stating that the CUP was originally approved on 12/10/08 and needs renewal consideration. The property is located at the SW corner of Conway Avenue and 6th Street. The days and hours of operation are

Sunday through Saturday from 7:00 a.m. to 9:00 p.m. Alcoholic beverages are served during the allowable State selling hours and only in the dining area. There are no schools, parks, and places of worship, within 300 feet.

In reviewing the floor plan, the existing 1,414 sq.ft. suite has a total 68 seating spaces in the dining area. A 10-space parking lot is available for additional parking. We note that the City parking lot at the NW corner of Conway and 6th, which has an additional 44 parking spaces, is also available.

During this past year of activity, the restaurant has done well and there have been zero incidents due to the CUP's intent. Staff recommended approval subject to a 3-year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Sheila Pankratz was present to answer any questions.

Mr. Flores asked if they had plans to expand to the area where the pawn shop use to be.

Mrs. Pankratz replied 'No'.

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

Started: 6:08 p.m.

Ended: 6:22 p.m.

Item # 2.2

Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages' at "Shotz Bar & Grill Restaurant" 2530 E. Griffin Pkw., Ste. "C" Lot 12, Sharyland Plaza Subd. C-3 Life of Use Tony Martinez

Mr. Acevedo went over the write up stating that the subject site is located approximately 200' east of Hackberry along the south side of Griffin Parkway (FM 495). Mr. Martinez has been operating Shot'z Bar & Grill at this location for a little

over a year now. The hours of operation for this operation are Monday-Sunday from 11:00 a.m. to 2:00 a.m. The bar & grill has a total of 6-10 part-time and full-time employees.

In reviewing the floor plan, the 3,000 sq.ft. building has 95 seating spaces in the dining area and 14 seating spaces in the bar area for a total of 109 seating spaces. One parking space for every three seats equates to 36 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 Griffin Parkway or from a separate driveway along Hackberry.

Since Shotz opened in mid-2008, Staff received one complaint of noise when the rear door was opened to throw out the bottles and garbage during operating hours. Mr. Martinez was alerted of the complaint and quickly addressed it by waiting until the following morning to throw away any trash or glass bottles. This also eliminates the need to open the back door (alley) further eliminating any noise concerns. Staff recommended approval subject to a 3-year re-evaluation.

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

Mrs. Sandra Flores from 2425 Summer Breeze stated that she has been having problems with the noise and she has 2 children that are unable to sleep or wake up because of the noise that starts at 10 p.m. and ends at 2 a.m. Also at 11 o'clock at night they dispose the bottles and it makes a lot of noise due to having the garbage right behind her house.

Chairman Sheats asked if the bar noise happens only when disposing of the bottles or all the time.

Mrs. Flores stated that the music level is high all the time, the bottles is not so much.

Mr. Rene A. Flores asked if anyone had verified the music levels.

Mr. Acevedo replied that during the last evaluation of the CUP Chairman Sheats had gone out there to check for noise.

Chairman Sheats stated that during that evaluation he had gone out several times during the night and on the weekend and there was no noise even with the windows down.

Mrs. Caudle asked what time it was when Mr. Sheats was checking for noise.

Chairman Sheats replied that it was around twelve o'clock.

Chairman Sheats asked if the applicant or representative were present.

Mr. Martinez stated that he talked to Mrs. Flores' husband about a year ago, due to the noise and he did correct the problem at that time, but after that, he hasn't received any complaints until today. He stated that from a year ago to this time he had changed management due to having problems with them, and for now he's managing the place. On the problem with the bottles he had instructed his staff to dispose of them in the mornings.

After a brief discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:22 p.m.

Ended: 6:29 p.m.

Item # 3.0

Pre-Final Plat Approval:

**Loryn Estates Subdivision
A 17.0 acre tract of land out of
Lots 48 & 51,
New Caledonia Subdivision
Suburban ETJ**

Developer: Ruben Sanchez

Engineer: Noe Garza Eng.

Mr. Salinas went over the write up stating that 1st variance requested on the write up was withdrawn by the applicant. However, the subject site is located 600' north of Mile 3 Road along the east side of Schuerbach Road. The subdivision consists of 40 residential lots. The developer was requesting 2 variances:

VARIANCE # 2) A variance to *NOT* dedicate minimum street ROW (on Schuerbach Road) as required from the MPO Thoroughfare. Mission has enforced the minimum 40' ROW centerline on Schuerbach Road since the 5 mile ETJ was given to us by the State Legislature in the late '80's. The policy was followed up in the 1990's with the adoption of the Hidalgo County MPO Thoroughfare Plan that shows Schuerbach as a future 80' collector. In his justification, the developer states that there are existing subdivisions to the north and the south that dedicated only 30' of ROW. This is correct **BUT** those 30' dedication plats were recorded in 1983 and 1977 (as approved unilaterally by the County and not Mission). As seen below, Mission has been consistent with the MPO plan for over 20 years - - to waive this code on a plat that has no unique features would absolutely set precedence where the threshold of justification is not met. Staff recommended **denial** on this issue.

Subdivisions along Schuerbach Rd. Between 2 and 4 Mile Line

Subdivision	Date Recorded	Dedicated ROW along Schuerbach Rd.
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Basham	7/11/1977	30
Villa Capri	6/12/1978	25
Hilda Subd. 2	7/9/1980	25
Hilda Subd. 3	12/23/1980	25
Randolph Barnett 1	12/8/1981	25
Randolph Barnett 2	7/27/1982	25
La Homa Road North Subd.	3/8/1983	30
Good Valley Ranch No. 1	3/5/1985	25
G & R Subd.	10/24/1989	40
Basham No. 23	3/5/1991	40
Jehova Witness Subd.	12/23/1993	40
Mari-Beli	5/10/2001	40

Mr. Salinas stated that the water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to provide water service via a new 8" network tied into an existing 6" line located along Schuerbach Road. Since this development is within the Suburban ETJ where annexation is mandated, hydrants are required to be installed or escrowed (\$3,000.00/hydrant if escrowed). Hydrants are located pursuant to the direction of the Fire Marshal.

The developer is proposing to install a series of 12" and 8" sewer lines within the subdivision and connecting into an existing 8" sewer line located along Moorefield Road. The \$200/lot capital sewer recovery fee will be imposed (\$200.00 x 46 = \$9,200.00). The plan has been reviewed by Public Works and the City Engineer – the sewer plans are approved.

The subdivision has a 45.36' peninsula onto Moorefield Road, which will also require a dedication of ROW to equal 40' from the centerline. The developer is proposing 50' ROW with 32' B/B streets. Drainage is proposed by installing a series of 24" R.C.P. lines and Type "A" inlets that will flow to the south and outfall into a Common Area "B" (private detention pond) to be maintained by the owners/developer. From the detention pond, outflow will be via an 18" R.C.P. connected to an 8" bleeder that will then connect into TXDOT's existing inlet @ 3 Mile Road. (NOTE: see TXDOT approval as attached).

On other comments: Escrow street widening for Schuerbach Road (**1,063.50 X \$55.90/L.F. = \$59,451.13**); Escrow street widening for Moorefield Road (**45.36' X \$55.90/L.F. = \$2,535.69**); Escrow park fees (**46 lots x \$300.00 = \$13,800.00**); Escrow/install street lighting; Escrow 5' sidewalks along Schuerbach Road (1,013.50') and Moorefield Road (45.36') **1,058.86 X \$12.00/L.F. = \$12,706.32**; Exclusion from the Water District; and Submit voluntary annexation request.

Staff recommended approval subject to: **1) DENIAL of ROW variance**; amend to reflect proper dedication of ROW dedication on perimeter streets via the MPO

Thoroughfare Plan, **2)** no objection to variance of 'lots not fronting public streets' but comply with private streets policy as noted above, **3)** pay fees noted above via typical subdivision policies/ordinances, and **4)** comply with other format findings.

Chairman Sheats asked if the applicant or representative were present.

Mr. Raul Flores from Noe Garza Engineering was present to answer any questions.

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

4.0 OTHER BUSINESS

Mr. Zavala thanked the board members for attending the special meeting.

5.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:30 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission