

**PLANNING AND ZONING COMMISSION  
SEPTEMBER 8, 2010  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

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

**P&Z ABSENT**

Mario Garza

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Susana De Luna

**GUESTS PRESENT**

Cesar Cardenas  
David Garza  
Joe B. Garza

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

There was no response upon inquiry.

**APPROVAL OF MINUTES FOR AUGUST 25, 2010**

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Vela moved to approve the minutes of August 25, 2010 as presented. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:03 p.m.**

**Ended: 5:05 p.m.**

**Item# 1.1**

**Rezoning:**

**A 0.78 acre tract out of Lot 25-5,  
West Addition to Sharyland Subdivision  
AO-I to C-3  
Francisco J. Zarzar**

Mr. Salinas briefed over the write-up stating that the subject site is located 800' feet east of Holland Road along the north side of Griffin Parkway. The surrounding zones include: Single Family Residential (R-1) to the north, Agricultural Open Interim (AO-I) to the east, west and south. The surrounding land uses consist of single family homes to the east and south across Griffin Parkway, and the site and the properties to the west and north are undeveloped. The Future Land Use Map reflects a General Commercial (GC) designation along the Griffin Parkway frontage. A C-3 zone is well within the land use parameters of the GC designation. The lot fronts Griffin Parkway, a widened major commercial corridor; C-3 is consistent to

numerous commercial zonings along this corridor. C-3 is consistent to the commercial land uses along Griffin Parkway, too. Staff recommended approval.

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.

There was no response.

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

**Started: 5:05 p.m.**

**Ended: 5:09 p.m.**

**Item# 1.2**

**Conditional Use Permit:**

**Drive-Thru Service Window and the Sale &  
On-Site Consumption of Alcoholic  
Beverages at Taco Palenque Restaurant  
2420 E. Expressway 83  
Lot 5-C, Lots 1-A, 1-B, 5-A, & 5-C,  
Sharyland Place Subdivision  
C-3  
Life of Use  
Cesar Cardenas**

Mr. Salinas briefed over the write-up stating that the site of El Taco Palenque is located ¼ mile east of Shary Road along the south side of Expressway 83, north of Kohl's. The applicant is proposing to build a new 5,939 sq. ft. restaurant (with sprinkler system) with a drive-thru service window. Access to the site is provided through an existing off-site entrance located 42' from the site. The (12') drive-thru lane is shown along the south and east sides of the building with the window's location stacking 5+ vehicles. The applicant is also requesting a conditional use permit for the sale and on-site consumption of alcohol with meals. There are no churches or schools within 300' of the subject site.

The number of parking spaces required for a building this size is 79. The applicant is providing 55 spaces on-site and is leasing an additional 24. It is also noted that the parking area is held in common and access to the site is provided through existing, interlocking parking lots from Wal-Mart and Kohl's.

The applicant is providing over the minimum 5% landscaping (22%) and is proposing the installation of hedges & tress within the green areas. There should be 4 additional (3" caliper) shade trees.

Other comments included:

- Days/Hours of Operation: Open 24 hours – Everyday. Alcoholic beverages will only be served for on-site dining.
- Staff: 50 employees
- A 6' opaque buffer is required around the trash bin perimeter.
- City Engineer will ensure that proper drainage calculations and requirements are met.
- Separate permits are required for any proposed signage and must comply with the City's Sign Ordinance.
- A business license is required prior to occupancy.

Staff recommended approval: **1)** provide copy of leased 24 spaces for verification; also, lease to be verified during incidental conditional use permit renewals, **2)** 1 year re-evaluation to assess this new operation; **3)** wet zone the site; **4)** provide a 6' buffer along trash bin area; **5)** drainage plan to be approved by the City Engineer; **6)** must comply with landscaping and sign codes; and **7)** 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 was present.

Mr. Cesar Cardenas from Arcarpa Construction was present to address any questions that the Board might have.

Chairman Sheats asked Mr. Cardenas if he was receptive to staff's recommendations since everything needed to be done prior to getting the business license.

Mr. Cardenas stated that he was in agreement with staff's recommendations.

Mr. Flores asked Mr. Cardenas when he estimates Taco Palenque would open for business.

Mr. Cardenas stated that hopefully in December or January.

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: 5:09 p.m.**

**Ended: 5:13 p.m.**

**Item# 1.3**

**Conditional Use Permit Renewal:                    Second Residence to Maximize Health Care & General Assistance to Stricken Parents  
406 W. 22<sup>nd</sup> Street  
Lot D, Northside Subdivision No. 2  
R-1  
David Garza**

Mr. Salinas briefed over the write-up stating that this conditional use permit was approved by P&Z on 8-22-07 and later by the City Council on 9-10-07. The site is located at the NE corner of Peace Avenue and W. 22<sup>nd</sup> Street. The lot has 130' of frontage to W. 22<sup>nd</sup> Street and a lot width of 60'. Immediately to the north the property is abutted by an irrigation easement that is 130' x 30' in size. Mr. Garza has had his 16' by 74' mobile home on the property since the CUP was first approved in 2004. The applicant resides therein to be vigilant to his parents' health care. His mom is still undergoing dialysis three times a week and is in need of assistance on a daily basis.

Upon a site inspection, staff interviewed the applicant's mother where she stated that her son has continued to help her with her dialysis. Staff attests that no complaints have been registered since the mobile home was moved in. The mobile home's utilities are linked to the primary home. Staff recommended approval subject to: **1)** 3 year re-evaluation to assess the health care need; **2)** once the need is no longer evident, the structure is to be removed within 30 calendar days and replaced with similar type grass (sod); and **3)** not to be used as a rental structure.

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.

The applicant, Mr. David Garza who resides at 406 W. 22<sup>nd</sup> in Mission stated that he didn't know if this would make a difference but his father was also ill.

Chairman Sheats stated that it didn't make a difference because the structure was allowed there for the care of his parents.

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

**Started: 5:13 p.m.**

**Ended: 5:18 p.m.**

**Item # 2.0**

**Pre-Final Plat Approval: Las Palmas Del Norte No. 3, Ph. I Subdivision  
3.327 Ac. Tract of land being  
a part or portion of Porcion 50  
Rural ETJ  
Developer: Oscar & Nora Linda Garza  
Engineer: Javier Hinojosa Engineering**

Mr. Salinas went over the write up stating that the subdivision is located approximately 705' east of Palm Drive along the south side of Mile 5. This 4 lot subdivision is a small portion of the overall acreage. All lots exceed the County's ½ acre minimum; they all front public streets where TxDOT's access management policies will be imposed. It's expected that if commercially used, the parking lots will be linked by having cross-access maneuverability. Sidewalks will also be paved as a part of the County building permit process. Staff included a Master Plan of the abutting acreage so that P&Z may see how the residential layout may fit with the proposed subdivision. Please notice the street stubs in regards to traffic management and circulation.

**Streets & Storm Drainage:** The lots face Mile 5, a future 120' ROW 81' B/B paved street. An additional 25' is being dedicated along Mile 5 in order to meet the MPO's Thoroughfare Plan. There is also a proposed 50' ROW 32' B/B street stubbed to the south for future extension, to be built to the County's construction specifications. (Note: County Fire Marshal may impose a temporary cul-de-sac). Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines as shown on HCDD#1 approved drainage report.

**Water:** The water CCN belongs to SWSC. The developer is providing water by connecting to an existing 6" water line located along the north side of Mile 5 and extending a new 8" line south through the proposed subdivision, leaving a stub out for future extension into the remaining acreage as shown on utility map. The City's Rural ETJ regulations do not require fire hydrants.

Sewer: Sanitary sewer service for this subdivision will be addressed by individual onsite sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot exceeds the County's typical ½ acre standard where septic tanks are permitted. (Note: Mission sewer lines are .84 miles away). Staff recommended approval subject to meeting the Model Subdivision Rules and submittal of 'as-builts' when done.

Chairman Sheats asked if there was input from the Board members regarding this item.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Joe B. Garza from Javier Hinojosa Engineering was present to address any questions that the Board might have.

Mrs. Caudle asked if this subdivision had a fire hydrant.

Mr. Salinas stated that there were no fire hydrants because this subdivision was in the City of Mission Rural ETJ. It would be up to the County to require a fire hydrant.

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

### **3.0 ADJOURNMENT**

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mrs. Caudle moved to adjourn. Mr. Vela seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:19 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission