

**PLANNING AND ZONING COMMISSION  
FEBRUARY 24, 2010  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Luann Caudle  
Jose G. Vela  
Mario Garza  
Carlos Lopez

**P&Z ABSENT**

Marisela Marin  
Rene A. Flores

**STAFF PRESENT**

Bobby Salinas  
Raymundo Elvira  
Roberto Salinas  
Susana De Luna

**GUESTS PRESENT**

Norma Cruz  
Jeff Underwood  
Jorge Gonzalez  
Luis Gamboa  
Imelda Sanchez

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

There was no response upon inquiry.

**APPROVAL OF MINUTES FOR JANUARY 27 & FEBRUARY 10, 2010**

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

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

**Ended: 5:10 p.m.**

**Item# 1.1**

**Rezoning:**

**Lots 23 & 24, Ala Blanca Subdivision Unit #2  
R-1 to C-3  
Luis Gamboa**

Mr. Salinas briefed over the write-up stating that the subject site is located 150' east of Paloma Street along the south side of Expressway 83. The surrounding zonings include Single Family (R-1) to the west, south, and east to the north is U.S. Expressway 83. The existing land uses include single family uses to the west, south, and east, and expressway 83 to the north. The Future Land Use Map reflects a GC (General Commercial Designation).

Since the City has approved other commercial zones within the same area, a C-3 zone is well within the land use parameters of a GC designation. Of major consideration to such potential commercialism is the lot's frontage to the Expressway, a major commercial corridor. Ultimately, the highest and best long term use for these series of lots is not residential, but of a commercial nature. 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.

The applicant, Mr. Luis Gamboa was present to address any questions that the Board might have.

Mr. Garza asked if the applicant wanted to rezone one or the two lots.

Mr. Salinas stated that they wanted to rezone the two lots. He added that these lots were subdivided as residential so they were a little narrow but the applicant was proposing to utilize both lots as one commercial lot.

Mrs. Caudle asked how deep the lots were.

Mr. Salinas mentioned that the residential lots were 50' x 180'.

Mrs. Caudle asked if the city was going to require a buffer since the property backed up to residential property.

Mr. Salinas stated that the 6' buffer would be imposed at the building permit stage.

Chairman Sheats asked if the buffer requirement needed to be addressed during this meeting.

Mr. Salinas replied, "No". He stated that the buffer would be required when the applicant actually applies for the building permit.

Mrs. Caudle asked if the lots were big enough to require an alley once all the lots were zoned commercial.

Mr. Salinas stated that he was not sure if they would require an alley but the city could try to secure a paved fire lane, which would serve the same purposes.

Chairman Sheats asked at what point the city secures the fire lane.

Mr. Salinas replied, "At the building permit stage".

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the C-3 rezoning as recommended by staff. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

**Started: 5:10 p.m.**

**Ended: 5:14 p.m.**

**Item# 1.2**

**Conditional Use Permit: Sale & On-Site Consumption of  
Alcoholic Beverages – La Mansion Ballroom  
507 N. Conway  
Lot 8, Blk. 92, Mission Original Townsite Subd.  
C-3  
Life of Use  
Norma Cruz**

Mr. Salinas briefed over the write-up stating that this CUP has been approved 6 times in the past 7 years (since it was approved with a 1 year re-evaluation after the date alcoholic beverages were sold and the previous applicant did not pursue TABC licensing, a renewal was not required in 2009). The previous applicant has since closed his operation. Now the owner of the building, Ms. Cruz, is requesting to continue the operation, thus the need for CUP consideration. Staff has provided P&Z minutes of the most recent hearing. The subject site is located just off the NW corner of Conway and 5<sup>th</sup> Street. The hours of operation vary depending on the type of activity; however, most events are during the evening and on weekends.

The banquet hall is 3,700 sq. ft. of which 450 sq.ft. will be used as a dance area and 169 sq. ft. for the band or D.J. The second floor is composed of approximately 900 sq. ft. equating to a total of 4,600 sq. ft. Typically, parking reflects a need of 46 parking spaces (1 space per 100 sq. ft.). The property is in Mission's Central Business District (CBD); thus, exempt from parking requirements for existing structures.

The type of activities range from weddings, quinceañeras, Christmas parties, reunions, birthday parties, seminars, and business conferences. Since it opened back in November of 2002, they have hosted various smaller crowd events. For the most part, these events typically take place during evening hours from about 7:00 p.m. to 2:00 a.m. The maximum occupancy is 500 people (as per Fire Marshal). Such uses need to be 300' from residential and Institutional (church) areas: Area residences are beyond 415' and the church is over 500' (measured along front lot lines via code). Police informed us that since its opening, no calls have been received from this address to date. With no incidents occurring since its opening, staff recommended approval subject to: 1) a 1 year re-evaluation (to commence from the date alcoholic beverages are sold), and 2) acquisition of 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.

The applicant, Mrs. Norma Cruz was present to address any questions that the Board might have.

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

**Started: 5:14 p.m.**

**Ended: 5:16 p.m.**

**Item #1.3**

**Conditional Use Permit: Home Occupation – Registered Home Daycare  
2811 Oblate Avenue  
Lot 54, Pueblo Del Norte Phase 2 Subdivision  
R-1  
Life of Use  
Imelda H. Sanchez**

Mr. Salinas briefed over the write-up stating that the site is along the west side of Oblate Avenue at the Oblate/29<sup>th</sup> Street intersection. The applicant has her single family residence thereon with paved driveway access off of Oblate Avenue. A field visit revealed that there is a 24' wide driveway leading to a 20' x 24' building which at one time was a garage. The driveway is used to safely drop-off and pick-up children, and provides off-street parking for staff and customers as well. The 20' x 24' building has a covered walkway that attaches this structure to the main two-story residence. A 6' wooden fence buffer surrounds the entire backyard of the residence.

- Days/Hours of operation: Monday-Sunday from 6:00 a.m. to 9:00 p.m. In regards to the 9:00 p.m. 'Closing Hour', the P&Z had approved the request subject to perpetual annual re-evaluations to assess traffic concerns. As of this write-up there have been no complaints from the surrounding neighbors regarding the *later than normal* traffic caused by the daycare.
- Staff: Herself and 1 other adult not residing in the home.
- Any signage would have to be no more than 1' x 1'.
- Must comply with Sec. 1.56-1, Zoning Code
- Staff verified that the home occupation was still in compliance w/DHS.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess this operation (esp. in regard to 'late' traffic patterns, 2) continue complying with Sect. 1.56-1 of the Zoning Ordinance

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, Mrs. Imelda H. Sanchez was present to address any questions that the Board might have.

There being no 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: 5:16 p.m.**

**Ended: 5:20 p.m.**

**Item #2.0**

**Pre-Final Plat Approval: Marbella Subdivision  
36.42 Ac. out of Lots 183 & 184,  
John H. Shary Subdivision (Amended)  
PUD (High Density)  
Developer: Hunt Valley Dev. I, LLC  
Engineer: Half Associates**

Mr. Salinas briefed over the write-up stating that the proposed subdivision is located in the NW corner of Shary and San Mateo. The proposed subdivision consists of 104 single family residential lots. The land use designation of high density requires lots to be a minimum of 5,000 sq. ft. The proposed lots range from 8,450 sq. ft. to 10,400 sq. ft. The developer is proposing water service through an internal 8" water line system to provide service to all lots with hydrants located via direction from the Fire Marshal. The system is looped with connections to an existing 16' line along Shary Road, and 8" line along San Mateo, and an 8" line along the east side of Shimotsu Elementary.

The developer is proposing an 8" sewer line that will provide service to all lots as it ties to an existing 15" sewer network along the west side of the property. The City's capital sewer recovery fee will be imposed to the residential lots at \$200/lot x 104 lots = \$20,800.

Streets & Storm Drainage: The streets for this subdivision are primarily 50' ROW 32'B/B, except for the main street off of Shary Road, which begins with a 90' ROW, two 24' lanes divided with a 20' median (which meets code) at the intersection, is reduced to a 60' ROW 37'B/B and transitions to a 50' ROW 32 B/B street towards the western part of the subdivision. The subdivision also has

access onto San Mateo with a 50' ROW 32' B/B street. Streets will also have 10'/15' utility easement along the lot frontage. The ROW dedication along Shary Road shall meet the MPO Thoroughfare Plan. Storm drainage is accomplished through a series of 36", 30" & 24" storm lines which lead into Hunt's existing ditch system.

Other Comments: Water rights dedication via Hunt –City policy; park fees in the amount of \$31,200 (104 lots x \$300/lot); no lots to access Shary or San Mateo; and buffer fence required along perimeter to Shary Road, San Mateo & perimeter drainage ditches. Staff recommended approval subject to: 1) park ordinance compliance, 2) pay sewer capital recovery fee, 3) exclusion from the water district, and 4) comply with all other comments and format findings.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Representing Hunt Valley Development, Mr. Jeff Underwood was present to address any questions that the Board might have.

Chairman Sheats asked Mr. Underwood what size the rear utility easements were that were required for the lots that were backing up to the drainage easements.

Mr. Underwood stated that he believed they were 10'.

Chairman Sheats asked if it was the minimum requirement.

Mr. Underwood replied, "Yes".

Chairman Sheats commented that he was just concerned that at some future point the residents would be asking for variances to construct over these easements.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the plat subject to staff's recommendations. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

**Started: 5:20 p.m.**

**Ended: 5:25 p.m.**

**Item #3.0**

**Discussion and Action to Amend Section 1.40-2h, Zoning Ordinance #1128, as amended, to Delete Stored Recreational Vehicles from Meeting Building Setbacks**

Mr. Salinas briefed over the write-up stating that in January 2010, Planning was approached by an *'officer'* of a city retirement community where their R-4 status required that *'parked vehicles meet building setbacks'*. The concern was self-evident once he realized that uniform enforcement of this out-dated regulation would open up a *pandora's box* resulting in their subdivision to self-destruct with bickering and resentment.

Mr. Salinas stated that attached to the write-up there was an excerpt of the *'Mobile Home Zoning District'* (R-4). Under the Permitted Uses, Item (h), it includes that **parked or stored** recreational vehicles *'must meet the **building setbacks**'* of the R-4 district. We believe that the amendment is needed for the following points:

- ❖ The amendment will improve our zoning code by eliminating un-necessary confusion, i.e., *'why do stored RVs need to meet building setbacks on R-4 lots but not on R-1/R-1A lots?'*
- ❖ This amendment will un-encumber R-4 zoned lots by removing the building setback mandate for stored RVs and thus be directly consistent (acclimate) with the rest of Mission's residential zoning districts.
- ❖ If left *'as is'*, some R-4 lots would theoretically have to park their RVs **on the public street** to avoid being cited because their stored RV cannot meet the building setbacks if parked on the lot.
- ❖ A family that uses an RV to travel locally, would have to *park* their RV in compliance to the 15' front setback in their smaller lot OR else be in violation to code since the *'parked vehicle must meet the setbacks requirements'* which includes the front setback.
- ❖ If left *'as is'*, any single issue of forcing a parked RV to be relocated to meet setbacks would induce an avalanche of finger-pointing & bickering against their neighbors thus eroding the (retirement community's) peace and quality of life in Mission during their latter years.
- ❖ On May 28, 2008, the P&Z Commission unanimously approved a very similar amendment under the R-5 zoning district (see attached minutes). The P&Z's favorable recommendation was later unanimously sustained by the City Council on June 9, 2008 by their adoption of Ordinance #3357 – see attached. Since that passage, there have been zero issues from the R-5 community. We anticipate the same level of clear zoning understanding with this amendment.

At this time, for the points cited above and to have R-4 be reconciled with the rest of our residential zones, Staff recommends that the last sentence in Sect. 1.40-

2(h) be deleted thus to read: "**A RV may be parked or stored off street on any lot or space, provided that the vehicle is not occupied or connected to utilities for occupancy**".

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

There was no response.

Chairman Sheats stated that the only concern he had was that some of these lots were very narrow and the RV would be parked close together. He added that he had seen some RV's parked on the street, which he didn't like either.

Mrs. Luann Caudle stated that she believed the code needed to be amended in order to reconcile with the R-5 code. She added that allowing RV's in the street would not be a good idea.

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

**Started: 5:25 p.m.**

**Ended: 5:32 p.m.**

**Item #2.1**

**Tabled Conditional Use Permit: Drive-Thru Convenience Store  
1705 W. Griffin Parkway, Unit "B"  
Lot B & Lot 74, Las Misiones Subdivision  
C-3  
Life of Use  
Jorge Gonzalez**

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

Mr. Salinas stated that Ms. Gonzalez had already complied with the subdivision requirements. He went over the write-up stating that the site is located on the SW Corner of Kirk Avenue and Griffin Parkway. The subject site currently has an existing single family home and an existing block building (old tire shop), which the applicant wishes to utilize as a drive thru convenience store. The existing building does have restroom facilities available for patrons if needed. Access to the site is provided off of Griffin Parkway through an existing 16' concrete driveway. The building measures 40' by 45' for a total of 1,800 square feet. The number of parking spaces required and provided is 8, Lot 74 will be used to provide 3 spaces on the south side of the building and the exit onto Kirk Avenue.

The applicant will be required to pave and re-stripe the existing and new parking to the south, inclusive of the exit.

During staff's review, it was discovered that Lot 74 was not owned by the owner of Lot B, however it does belong to the owner's two sons, which have acknowledged and approved the use of their lot for the drive-thru business.

- Days/Hours of operation: Everyday from 7:00 a.m. to 12:00 p.m.
- Staff: 2 employees (applicant and wife)
- Additional landscaping will be required along Griffin Parkway and Kirk Avenue to comply with City codes.
- A 6' cedar fence will be imposed to provide a buffer from the commercial use and the residential.
- A 5' sidewalk will be required along Griffin Parkway and a 4' sidewalk will be required along Kirk Avenue.
- City Engineer to ensure that the proper drainage calculations are being met as per the plat.
- Comply with City's Sign Ordinance.
- A business license is required prior to occupancy.

Letters were sent to the property owners within 200' radius of the subject tract. Staff has received 1 phone call in opposition to this request.

Staff recommended approval subject to: 1) 1 year re-evaluation, 2) install tire stops between residential and commercial property, 3) match sidewalk elevation along Kirk Avenue with existing exit, 4) provide fence to southern property line of Lot 74, 5) provide landscaping to meet code, 6) install 5' sidewalks along Griffin Parkway within 45 days, 7) acquisition of a business license, 8) trash buffer, and 9) wet zone the property.

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. Jorge Gonzalez was present to address any questions that the Board might have.

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

## **5.0 OTHER BUSINESS**

There was no other business.

## **6.0 ADJOURNMENT**

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mrs. Caudle seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:33 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission