

**PLANNING AND ZONING COMMISSION
MARCH 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

Sergio Zavala
Bobby Salinas
Roberto Salinas
Susana De Luna

GUESTS PRESENT

Richard Hernandez
Randy Carter
Mike Guerrero
Alfonso Quintanilla
Kelly Vela
Juan S. Rodriguez

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:04 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MARCH 10, 2010

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

Started: 5:04 p.m.

Ended: 5:08 p.m.

Item# 1.1

Rezoning:

**A 59.16 acre tract being all of Lots 7 & 8,
Block 3, all of Lots 1 through 8, Block 5,
All of Lot 2, and portions of Lots 1, 3, & 4,
Block 7, Del Monte Orchards Co. Subdivision No. 1
AO-I to R-1
El Capote Inc.**

Mr. Salinas briefed over the write-up stating that the subject site is located approximately 2000 feet south of Business 83 along the west side of Schuerbach Road. The surrounding zonings include (Single Family Residential) to the east; all other directions are outside the City Limits. The existing land uses include the following: N – Hidalgo County Health Clinic; E – Single Family Homes; W – A combination of Single Family Homes and vacant land; and S - A combination of Single Family Homes and vacant land. The Future Land Use Map reflects a Low Density (LD) designation. The proposed zone complies with the City's Future Land Use Map, which reflects

a Low Density (LD) residential designation. The proposed R-1 zone typically falls under this designation. 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.

Representing El Capote Inc., Mr. Richard Hernandez 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 R-1 rezoning as recommended by staff. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:11 p.m.

Item# 1.2

Conditional Use Permit:

Changeable Copy Sign

Lot 5, El Pueblo Subdivision Ph. I

C-3

Life of Use

Valley Sign and Lighting

Mr. Salinas briefed over the write-up stating that the subject site was located approximately 1,195' east of Conway Blvd. along the north side Expressway 83, along the frontage Road. The applicant is proposing to replace an existing mechanical message board (a sign you change manually) with a new Electronic Message Board (EMB) for the existing McDonald's Restaurant, currently being remodeled.

Art. II, Sec. 86-41 Sign Types of the Mission Sign Code states: *Changeable copy* signs mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication... Such changeable copy signs are deemed a conditional use requiring the approval of the appropriate boards.

The new EMB is proposed to be a 4' x 8' (32 square ft.) sign. The maximum size allowed is 40 square feet, thus in compliance to code. The sign height is proposed to be at 30' however, the maximum height allowed for a changeable copy sign is 20'.

A similar changeable copy sign was recently approved by the City Council on 8/24/09 along the expressway (Bert Ogden Kia/Mazda), where the owners replaced an existing EMB with an LED sign at the height of 48.9'. To this day we have had no calls or incidents due to the sign's height.

Since this is a similar request as what was recently approved by the Council, and since the sign does meet all other requirements, staff has no objection to the sign upgrade. Staff recommended approval subject to acquiring a sign permit.

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.

Representing Valley Sign & Lightings, Mr. Randy Carter 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. Mrs. Caudle seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:15 p.m.

Item #1.3

Conditional Use Permit:

**Drive-Thru Service (Sliding Door)
Lot 1, River Oaks Plaza Subdivision
C-3
Life of Use
Juan S. Rodriguez**

Mr. Salinas briefed over the write-up stating that the site is located on the SE corner of Griffin Parkway and Umbel Street (about 1,050 feet west of Glasscock Road). The applicant is proposing to build a new Dry Cleaning Business with a drive-thru service sliding door. Access to the site will be provided off of both Griffin Parkway and Umbel Road with 30' driveways. The building measures 30' x 93' for a total of 2,790 square feet. The number of parking spaces required for this size building is 10. It is noted that the parking area is held in common (348 existing parking spaces) and is shared with other businesses.

The proposed location of the sliding door would provide stacking for approximately 2 vehicles. Staff recommends that there be stacking for at least three vehicles to reduce the risk of a 3rd stacked vehicle from impeding access from Umbel Street.

Staff also recommends that the applicant provide the curbing along the parking area leading up to the building, i.e. create an island to help guide traffic through the drive-thru.

- Days/Hours of operation: Monday – Saturday from 9:00 a.m. to 6:00 p.m.
- Staff: 3 employees
- Sidewalks have been provided along Griffin Parkway and Umbel Street
- Additional landscaping will be required both for aesthetics along the frontage of Griffin Parkway and Umbel Street and to help provide screening to the apartments located south of the property.
- Comply with the City's Sign Ordinance
- A business license is required prior to occupancy.

Staff recommended approval subject to: 1) relocate service sliding door to allow 3rd stacked vehicle; 2) acquire a business license; 3) provide curbing to create an island to help guide traffic through the drive-thru lane; and 4) provide additional landscaping as noted above; to be approved by staff.

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. Juan S. Rodriguez was present to answer 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. Mrs. Caudle seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:22 p.m.

Item #2.0

Single Lot Variance:

**A 1.173 acre tract of land out of Lot 25-12,
West Addition to Sharyland Subdivision**

R-3
Manuel Jr. and Beatriz Mata

Mr. Salinas briefed over the write-up stating that the subject site is located 500' west of Stewart Road along the south side of 24th Street. The property measures 198' x 276.13'. The applicant wishes to construct 28 (2 bedroom apartments) on the subject property. Site plan approvals by P&Z are required for any apartment development of 5+ units.

The applicant will provide water by utilizing an existing 6" waterline running along 24th Street. The Fire Marshal has also reviewed the subject property and will be requiring one fire hydrant along the perimeter street to comply with hydrant interval spacing. Additional hydrants will be required during the site plan approval stage. Looping to a second source will also be mandated at that stage.

The property will access an existing 8" sanitary sewer line running along the south side 24th Street. Public Works has reviewed the proposal and has no additional requirements regarding sewer.

In regards to streets, the property fronts 24th Street, an existing 50' ROW/32' B/B paved streets. Area street lights already meet the subdivision code.

Other Comments include: Park Fees - \$300 x 28 HUE = \$8,400; Capital Recovery Fee - \$120/per apt. x 28 = \$3,500; Escrow 5' sidewalks - 12/l.f. x 150' (198' - 48' driveways) = \$1,800; Reimbursement to the City of Mission for 8" waterline at \$598.12/acre x 1.173 acre = \$701.60; Must provide 6' utility easements along the perimeter of the property; and Exclude from the Water District.

Staff does not object to the single lot variance subject to: 1) escrow 5' sidewalks, 2) additional fire hydrants; 2) payment of park fees, reimbursement fees, & capital sewer recovery fees; 3) must provide perimeter 6' utility easements; and 4) provide proof of exclusion from the water district.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats asked if there was any input from the Board Members in regards to the request.

Mrs. Caudle asked if staff had sent out any notices for the residents that lived within the 200' radius.

Mr. Salinas stated that no notices had to be mailed out because it was a single lot variance and the property was already zoned R-3 multi-family residential.

Mrs. Caudle asked Mr. Salinas "what is a single lot variance?"

Mr. Salinas stated that it was like a subdivision, but instead of going through the full blown subdivision process, staff would allow a single lot variance to in which the applicant would still meet all the requirements in the subdivision code.

Mrs. Caudle asked if the site plan would come before P&Z.

Mr. Salinas stated that the site plan would be seen by P&Z before any permit was issued.

Mr. Zavala mentioned that as it was disclosed in the write-up and required by code actually any proposal for 5 apartments or more required P&Z's approval. He added that before getting P&Z's approval first they needed to get Fire and Staff's approval as well. Mr. Zavala stated that a single lot variance was equated to a 1-Lot Subdivision. He mentioned that they must meet all the requirements as a 1-Lot Subdivision such as: park fees, capital sewer recovery fees, water district exclusion, and additional easement, etc. Mr. Zavala added that for a single lot variance you would only qualify if you have paved public frontage and existing water and sewer lines along the frontage, that was the reason why a single lot variance was allowable here.

Mrs. Caudle asked if staff knew the square footage for the 28 apartments.

Mr. Zavala stated that the applicant had not provided that information yet. He added that the applicant might be proposing 28 apartments but may actually get less because they must have parking, maneuverability, landscaping, etc. He mentioned that the 28 apartments would be conceptual at this point since they had not provided any layout.

Mrs. Caudle stated that being across from a school and all of the single family being so close she wouldn't want too many apartments on one piece because if they were low income she didn't believe it would be good for the area.

Mr. Zavala stated that a buffer would be required between the apartments and the single family homes.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Vela moved to approve the single lot variance as per staff's recommendations. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:22 p.m.

Ended: 5:25 p.m.

Item #3.0

Site Plan Approval:

**Construction of Cafeteria &
Classroom Bldg. "C" for IDEA Academy
Lot 1, IDEA Public School Subdivision
PUD
IDEA Public School**

Mr. Salinas briefed over the write-up stating that the subject site is located 3,000' south of Mile One South along the west side of Schuerbach Road. IDEA Public School proposed to build a cafeteria (80.25' x 151.83') and a new classroom expansion (68.67' x 190.11') along with additional parking. The minimum required setbacks based on zoning are: front 35', rear 5', sides ½ the height of the building or 0' if fire rated. The applicant is exceeding all required setbacks. The classroom expansion has a total of 12 classrooms, which require 18 parking spaces (1.5 parking spaces per classroom). The cafeteria is calculated to require 5 parking spaces (1 parking space for every two employees: 10 employees). The applicant is proposing a total of 42 additional parking spaces exceeding code by 19.

Access to the new facilities is provided through an existing driveway access from Schuerbach Road leading to the additional parking located along the western area of the lot. The Fire Marshal has reviewed and approved the proposal for emergency access as well as the 'temporary' caliche fire lane located west of Classroom "C". The temporary fire lane will need to meet the City's requirements for compaction of subgrade (98% compaction) to ensure the safe passage of Fire/Emergency vehicles. The Fire Marshal and our Public Works Department have reviewed and approved the proposed fire hydrant locations, water, and sewer services. However, staff would need to have IDEA dedicate additional easements by separate instrument for the relocation of utilities and hydrants. In regards to detention and drainage, the City Engineer would need to ensure that the applicant is still meeting the detention requirements. Staff recommends approval subject to: 1) dedicate

additional utility easements for relocations and extensions of utilities, and 2) detention and drainage to be approved by the City Engineer.

Chairman Sheats asked if there was any input from the Board Members in regards to the request.

Representing IDEA Public Schools, Mrs. Kelly Vela from Melden & Hunt 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 site plan as per staff's recommendations. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:35 p.m.

Item #4.0

**Pre-Final Plat Approval: Hacienda San Jose Subdivision Ph. I
A 66.44 acre tract of land being
All of Lots 7 & 8, Block 3, All of
Lots 1-8, Block 5, and All of Lot 2,
and portions of Lots 1, 3, & 4, Block 7,
Del Monte Orchards Co. Subdivision No. 1
R-1 (Proposed)
El Capote, Inc.–Richard Hernandez, President
Quintanilla, Headley, & Associates**

Mr. Salinas briefed over the write-up stating that the subject site is located approximately 2,000' south Business 83 along the west side of Schuerbach road. The Subdivision consists of 191 lots for residential use. Originally, the developer was requesting two variances: 1) to allow cul-de-sac streets to exceed 600' in length and allow more than 25 dwellings units within these streets, and 2) to allow a maximum length of gutter flow runoff of over 600' from high point to an inlet measured along the gutter. Since then, the developer has submitted the changes necessary to meet the City's intent regarding access for emergency vehicles by adding a turnaround, making it easier for the residents to go in and out of the subdivision. Mr. Salinas added that as far as the northern cul-de-sac they were going over the 25 lot threshold by 1 lot. Staff did not object to allowing the variance for 1 additional lot. He mentioned that variance #1 would need to change to allow 26 lots on a cul-de-sac. Mr. Salinas stated that as far as variance #2 the developer has made the changes necessary to meet the City's drainage code by proposing additional inlets.

The water CCN belongs to AGUA SUD. The developer is proposing to provide water service via a new 8" network tied into an existing 12" line located along the west side of Scott Lane. Hydrants shall be located pursuant to the direction of the Fire Marshal.

On sanitary sewer, this plat is in AGUA SUD's wastewater (sewer) CCN. The City of Mission has a 2003 interlocal agreement with AGUA SUD (then it was LJWSC) to be able to serve developing properties in each other's sewer CCN. In conferring with General Manager Frank Flores last week, AGUA will honor this Agreement and consent to this subdivision being served by Mission's sanitary sewer system. In that regard, all lots will be served with Mission sewer. They are proposing to install a series of 8" sewer lines within the subdivision, connecting into an existing sewer lift station located east of the subdivision via a 12" line. The \$200/lot capital sewer recovery fee will be imposed ($\$200 \times 191 = \$38,200$).

The developer is proposing 50' ROW, 32' B/B streets within the subdivision, with 1 street being paved at 37' B/B to act as a collector between Scott Lane, and Schuerbach Road. The ROW dedication to the perimeter along Schuerbach Road (40' from center) and Scott Lane (30' from center) complies with the MPO Thoroughfare Plan. Drainage is proposed by installing a series of 24" R.C.P. lines and Type "A" inlets that will flow toward the eastern area of the subdivision and outfall into a 125' HCDD #1 Canal ROW. The drainage report was submitted and approved by the City Engineer. Godfrey Garza from HCDD#1 would also need to sign off.

Other Comments include: Install or escrow street widening for Schuerbach Road ($1,651.77' \times \$55.90/\text{l.f.} = \$92,336.24$); install or escrow street widening for Scott Lane ($2,194' \times \$35.36/\text{l.f.} = \$77,576.79$); escrow park fees ($191 \text{ lots} \times \$300 = \$53,300$); install or escrow street lighting; install or escrow 5' sidewalks along Schuerbach Road (1,540') and Scott Lane (1,494.03') ($3,034.03' \times \$12/\text{l.f.} = \$36,408.36$); exclusion from the water district; and submit voluntary annexation. Staff recommended approval subject to: 1) no objection to allowing 26 lots on a cul-de-sac street, 2) install or escrow the street widening, and 5' sidewalks for Schuerbach Road & Scott Lane, 3) pay capital sewer recovery fee & park fees, 4) provide exclusion from the water district, and 5) comply with all "other comments".

Chairman Sheats asked if previously to the changes made, did one of staff recommendations state that they complied fully or more fully with typical cul-de-sac and storm in the placement codes.

Mr. Salinas replied, "Yes".

Chairman Sheats mentioned that the first recommendations should not be removed from the requirements because as long as that requirement is there it only meant that they would be complying with city codes.

Mr. Alfonso Quintanilla, from Quintanilla, Headley & Associates was present to address any questions that the Board might have.

Mrs. Caudle asked staff if the through-street that they were proposing was going to be wider than the typical 32' B-B street.

Mr. Salinas asked Mrs. Caudle if she was referring to the second street from the north.

Mrs. Caudle replied, "Yes".

Mr. Salinas stated that that was the one being proposed to be paved at 37' B-B. He added that normal streets were 32' B-B and this street was going to be very similar to Tierra Dorada, which was another residential collector in the area.

Mrs. Caudle stated that she just wanted to make sure the street was going to be widened because being in that area, that particular street would be used a lot. She also asked if 37' B-B was going to be wide enough even with parking on the street.

Mr. Salinas replied, "Yes".

Mr. Zavala stated that if the street was wider, cars would go faster through the residential streets and 37' B-B streets have worked well before.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the plat subject to: 1) pave or escrow the perimeter street widening and 5' sidewalks for Schuerbach Road and Scott Lane, 2) pay capital sewer recovery fees, park fees, 3) install or escrow street lighting, 4) provide exclusion for the water district, 5) submit voluntary annexation, and 6) approve variance to have 26 lots accessing a cul-de-sac. Mr. Garza seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:37 p.m.

Item #5.0

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

Mr. Zavala explained that once staff gets an action from P&Z on a particular item this item must be forwarded in an ordinance format to the City Council. He mentioned that the City Attorney David Guerra asked if this item was seen as a public hearing, which he said it was but staff did not advertise in the local paper. Mr. Zavala added that the City Attorney had asked that this item be seen again and that this time staff publish the item in the local paper that was the reason why this item was before P&Z again.

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

6.0 OTHER BUSINESS

There was no other business.

7.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Garza moved to adjourn. Mr. Vela seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:38 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission