

PLANNING AND ZONING COMMISSION
JUNE 23, 2010
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

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

P&Z ABSENT

Marisela Marin
Rene Flores

STAFF PRESENT

Sergio Zavala	David Guerra
Bobby Salinas	Sonia Carnes
Roberto Salinas, P.E.	Willie Seguin
Susana De Luna	Aida Lerma

GUESTS PRESENT

Ricardo H. Garcia
Hilda Cantu
Eustacio Escobar, Jr.
Juan Martinez
Rodolfo Jimenez
Daniel Flores
Alma Garcia
Martha Abrego
Kathy Garcia
Gilbert Sanchez

Agustin De La Garza, Jr.
Yolanda Garcia
Agustin Olivarez
Sulvia Vick
Eluid Garcia
Belma Vega
Aaron Martinez
Conrado Martinez
Scott B. Owings
Sally Brooks

Gregorio A. Cantu
Adrian Garcia
Marcia Belen Olivarez
Martin Godina
Patricia Garza
Adam & Diana
Servando Abrego
Porfirio Moreno
Fred Kurth, P.E.
Kathy Olivarez

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR JUNE 9, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections. Mr. Garza moved to approve the minutes of June 9, 2010, as presented. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:51 p.m.

Item# 1.1

To Consider Sharyland Independent School District's proposal on Opening San Felipe Drive onto Elm Drive where the Specific Location is West of Lots 36 & 37, Orange Blossom Subdivision

Chairman Sheats stated that the next item on the agenda had resulted in a large amount of community interest; therefore he would like to request that they listen very carefully to Mr. Zavala's presentation because some of your concerns might be answered. Mr. Sheats stated that after Mr. Zavala's presentation, he would open the floor to questions and comments. He asked the audience to address their questions or concerns to the Commission and not the applicant, and if clarification is required from staff he or the applicant would request that at the proper time. Mr. Sheats stated that since there were other items on the agenda he would be controlling the time that is allowed for both sides. First, he asked if there was an elected spokesman and if there was, he would allow him to talk for a time limit of 15 minutes.

Mr. Sheats asked the audience if there was an official spokesman for the opposition.

There was no response.

Mr. Sheats stated that since there was no elected spokesman then he would allow general comments from the audience and asked them to limit their comments to 5 minutes each and that they not be the same comments. Mr. Sheats asked those in opposition to raise their hands.

A show of hands indicated that 22 people were in opposition to SISD's proposal.

Mr. Zavala briefed over the write-up stating that it came to the attention of the City of Mission that the SISD had purchased Lot 2, BFI Recycling Addition. This property, located toward the NE area of Bryan & US Business Highway 83, is zoned Heavy Commercial (C-4). To provide a foundation of what type of land uses are 'Permitted' in C-4 (Sect. 1.44-2, Ord. # 1128), the following are included:

- Lumberyards
- Heavy equipment sales & service
- Warehousing
- Motor vehicle transportation freight terminals

- "Those uses of a commercial, retail or wholesale nature requiring large outdoor loading areas, generating heavy truck or rail traffic and requiring access to major transportation channels..."
- And ***Institutional uses.***

Permitted Institutional uses include schools & facilities that serve school systems such as the subject SISD transportation center.

The site has several structures on it being

- An 'office building' to the south,
- An open carport structure to the east,
- A central enclosed warehouse-type building at its center, and
- Another elongated warehouse to the perimeter NW.

SISD will phase-in remodeling efforts including slight adjustments to some of the existing structures to meet their needs, e.g., internal remodeling (offices), & remove a loading dock from the central warehouse, etc.

During the old BFI Recycling days of the early 1990's, a railroad spur was installed and still exists. SISD has no intention of using this spur.

Now, the request before the P&Z is to hold a public hearing on SISD's intent to pave a portion of San Felipe Drive south of Elm Drive. This short stub southward was intentionally maintained by the City Council in their partial abandonment of the remaining San Felipe Drive in Ordinance # 2876 (Sept. 22, 2003).

In meeting with SISD officials last Friday on the usage of San Felipe, it was declared that they have no plans to run buses through San Felipe now or in the future. Mr. Zavala stated that actually in conferring with Superintendent Owings earlier San Felipe will not be used at all on a daily basis that is with cars, vans, light trucks, etc. as well; that would be an amendment to the write-up. Staff notes that Elm is a collector street with a pavement width of 43' B-B. Collectors usually 'collect' traffic from the minor residential streets (30' - 32' pavement width) that lead said traffic to the arterials (like Bryan & Stewart). Some examples of collectors include Elm, School Lane, 1st Street, 28th Street, 22nd Street, 20th, & Solar.

With SISD's proposed use of cars, vans & light trucks, the 43' wide Elm can handle such traffic use. Also, where San Felipe ends & SISD's driveway begins, SISD will have a rolling gate with a keypad to maximize security onto their property. Any lighting to the property has been agreed by SISD

to be downcast toward their property so as to eliminate light pollution onto adjoining residential properties.

So where does SISD intend to run its buses? The buses will use the existing concrete driveway leading onto U.S. Business HWY 83 – this will be their primary access point 98% of the time. Realizing that there is a rail line running parallel to U.S. Business HWY 83 & the possibility exists that a rail car may rarely impede access to HWY 83, SISD will be paving the existing 40' ROW north of the RR that leads to the IBC driveway to HWY 83 and then go to either Bryan or HWY 83 (dependent on the location of the stalled rail car).

There will be 2 bus-exit routes in a southward direction, which is over 1000' away from the San Felipe/Elm juncture.

In other words, SISD's plans do NOT include buses using the San Felipe Drive. In conferring with Rio Valley Switching last week, they indicated that the trains run on Mondays & Thursdays though the times vary. SISD buses mobilize at 6:30 a.m. and 2:00 p.m.

DRAINAGE: On a voiced concerned to staff last week, we would also like to point out that the detention pond adjoining San Felipe **WILL ABSOLUTELY REMAIN**. San Felipe is on the perimeter east of the existing pond where some of the current pond will be filled-in to properly pave San Felipe; however, the pond **MUST BE FURTHER EXCAVATED** to compensate for the filling-in of San Felipe's ROW. Mr. Zavala mentioned that in talking with Sharyland ISD officials last week they even indicated that they would add more volume if needed.

Also, the approved plat of the early 90's has the SISD detention already factored into the current pond. In conferring with SISD, they realize that there is a drainage concern in the general area thus SISD has agreed to excavate a new elongated 18' wide X 3' detention pond on the perimeter north to intercept their property's flow prior to out falling into the existing pond, i.e., more capacity to the current pond will result thus being a helpful piece of the drainage solution.

Mr. Zavala stated that he had asked various city officials to attend this meeting just in case there were legal or engineering questions raised by those in attendance. Mr. Zavala added that he was aware they had been talking about the storm as recently as in the past 24 hours at a workshop with the City Council.

Chairman Sheats asked if there was any input from the board for staff.

Mr. Vela asked how many buses, trucks, vans, cars are they moving to the stock lumber company.

Mr. Zavala asked if he wanted to know how many cars were moving to Elm Street.

Mr. Vela asked how many vehicles are moving to the bus barn.

Mr. Zavala stated that he should ask that question to the superintendent.

Mr. Vela asked Mr. Zavala if the superintendent was present.

Mr. Zavala replied, "Yes".

Mr. Vela mentioned that Mr. Zavala had told him that he has been in the area of Elm Street and there was no traffic.

Mr. Zavala stated that actually what he told Mr. Vela was when he was at the site with an SISD official during a mid morning, and of course its summer, there was not too much traffic. To answer Mr. Vela's questions he stated that when he was there, there wasn't too many cars using Elm at that point, which was accurate.

Mr. Vela stated that if he recalled correctly, he mentioned it was only two cars but he also stated it was when school had ended and no one was there. Mr. Vela asked Mr. Zavala if he's been there when school is in.

Mr. Zavala mentioned that he has passed by during the school year and has seen the traffic congestion. Mr. Zavala mentioned that that's why Elm Street was there, because without it, it would be much worse.

Mr. Vela stated that he has talked to some of the parents and they have said that Elm Street was very congested because after they leave their kids in school they go back to Elm Street, since Bryan Road is so congested. The parents also mentioned that they use Stewart Road too but sometimes it was very hard to get into Stewart Road because most of the people use it to get to work.

Mr. Zavala stated that he understood that but Mr. Vela also needed to understand that traffic is a predominate effect in a lot of the schools like Castro, Marcel, Pearson and probably at Mims Schools as well. During that

time, a lot of parents go pick up their children and it is congested; that is not un-common.

Mr. Vela stated that he had a grandchild in that school and when he goes to leave lunch to his grandchild there are a lot of vehicles causing Elm to be very congested.

Mr. Zavala stated that a comment was made earlier and if the board was listening sharply he indicated that Elm Street would be locked daily and vehicles would going southward and if need be they would be using the existing 40' north of the railroad that leads to the International Bank of Commerce to Highway 83 and then go to either Bryan or Highway 83.

Mrs. Caudle asked Mr. Zavala if she understood correctly, that there would be no daily access.

Mr. Zavala replied, "That's correct".

Mrs. Caudle asked if the green area within their property was going to be caliche.

Mr. Zavala stated that he thinks it would be paved, as long as they secure a building permit; although it would not be a violation to code if they wanted to use a caliché driveway. In talking with SISD it would be paved.

Mr. Vela asked if this area would be used as a holding pond.

Chairman Sheats stated that it was not going to be used as a holding pond at this time.

Mr. Vela stated that it looked liked it was going to be holding pond.

Mrs. Caudle asked if there was a possible light put in the area.

Mr. Zavala stated that not at this point. He asked Mrs. Caudle if she was talking about the driveway southward.

Mrs. Caudle stated that onto Business 83.

Mr. Zavala stated that he didn't think so, and besides that would be TXDot's Ruling after certain numbers are factored in.

Mrs. Caudle stated that she was curious because this would be generating a lot of traffic.

Mr. Zavala mentioned that this would generate a lot of traffic at 6:30 a.m.

Mrs. Caudle asked if there were proposing to move all their buses.

Mr. Zavala stated that she would need to ask Mr. Owings that question.

Chairman Sheats stated that it would be the same situation they currently had now with Business 83 and the parking area is very similar with traffic on Shary trying to get out so yes they there is going to be congestion no matter what unless TXDot could put up a signal.

Chairman Sheats advised the audience that this item would be open for public participation. He added that anybody that was against the request should come up the podium and state they name and address for the record. Mr. Sheats mentioned that he would be limiting comments to 5 minutes and after the first person he would accept a few more but please try to bring up unique questions.

In opposition, Mr. Gregorio A. Cantu who resides at 1209 Don's Drive, which would be Lot 36, Orange Blossom stated that he was present for a lot of reasons. He stated that he had a set of twins that were in second grade and they are going to be there for a few more years and he didn't want his kids exposed to diesel fuels and fumes, the impact of air tools, and the traffic in and out of that place. He mentioned that he didn't know if TNRCC (TCEQ) had done any air quality testing. Mr. Cantu stated that here in the valley the wind primary blows to the southwest so that means that Bryan Elementary would be catching a lot of the residue. Mr. Cantu mentioned that he thought it was a silly idea and ridiculous to have a bus barn next to an elementary where you have small developing kids that could be contaminated with all these chemicals, solvents, diesels, etc. He added that he bought his property because it was a peaceful neighborhood and it was residential. He mentioned that he lives at the corner of Don's Drive and Elm Street and was not up to having a third paved area in his backyard. Mr. Cantu mentioned that staff indicated that this would only be used in case of an emergency, but guess what when some superintendent gets a right frame of mind of saying let get the buses out the back side all it takes is a flick of a pen or a school board meeting and it's a done deal to his opinion at that point and time there was nothing much that nobody could do. Mr. Cantu stated that a lot people would have an issue with the holding pond. He mentioned that he didn't know what kind of rocket scientists were involved in the design of the

drainage system for the City of Mission but when it rained about 6 inches about a month and a half ago, Mr. Zavala might be aware of that event, he had water come up to the garage doorway. He added that at San Felipe and Elm Street the water was 2' deep and now they wanted to reduce the capacity of the holding pond where the new 3' x 18' pond would not even be as big as a swimming pool.

Chairman Sheats asked to interrupt Mr. Cantu and stated that there were some facts that needed to be looked again, first of all the prevailing winds in the county come from the southeast and not the other way around; second of all it's a 3' deep 18' wide pond, which would be about 75' to 100' along.

Mr. Cantu stated that there was a gentleman in the audience Mr. Moreno that was in 2' of water and to him this didn't seem like it would alleviate that problem. He mentioned that this just seemed like a bandage solution to that problem. However, this traffic situation to him bottle necks everywhere like Bryan and Stewart and to add more traffic to Business 83 just didn't seem like 2 cars, like it was mentioned earlier. Mr. Cantu added that with the price in diesel being what it is maybe SISD should plan on putting their bus barn closer to their service area instead of putting it on the MCISD area to him that would alleviate a lot of the traffic. Mr. Cantu finalized by stating that to him this was in his backyard and he didn't approve of it, care for it, and didn't want it.

In opposition, Mr. Ricardo H. Garcia who resides at 1101 Ash Drive stated that his grandparents came to the Valley in 1913 and his family has lived in Mission since then. He added that he was the developer of San Felipe. He mentioned that they were very proud of San Felipe because it turned out to be an "A1" subdivision. He mentioned that he was very proud of the people who lived there because they have made a big investment and that is a lifetime investment. Now a blinded soar eye operation like this is going to devalue their property. It should just not be allowed at all the street should not be put in there and are slapping MCISD by putting this eye sore next to Bryan Elementary, where the kids play and exercise it should not be allowed. In opposition, Mr. Porfirio Moreno who resides at 1413 Don's Drive asked if they put the entrance on Business 83.

Chairman Sheats replied, "Yes sir".

Mr. Moreno stated that during the school year Bryan Elementary on Elm Drive they put up cones to where the only vehicles that go in and out of there go to the right, which is north. He added that when parents drop off their kids they go through Elm, Pamela, and Stewart. They go through all

these streets just to drop off their kids. Mr. Moreno stated that SISD mentioned that they were not going to use the access where it goes over the tracks instead they were going to use the 40' ROW but during the school season, the traffic goes all the way to the Bank. He added that SISD wants to have this access just in case, but why have it at all. They haven't studied the traffic. The City has only been there when there is no traffic. How could they say that it is going to be ok, if they don't live there? Mr. Moreno also stated that this area gets flooded. He added that his main concern is the traffic because it's, chaos when the parents are trying to get their kids to school on time and he wouldn't want something like this for his kids.

Also in opposition, Mr. Conrado Martinez who resides at 1303 Don's Drive stated that he was a public servant with the City of Mission for about 9 years and also a fire fighter. He added that most of his life revolves around safety and everything he does is very safety cautious. Mr. Martinez stated that he recently purchased the residence at 1303 Don's Drive with safety in mind. He added that as a first time home buyer he looked around the different areas for a good neighborhood and taking into consideration that this subdivision did not have high traffic, they decided to purchase the property. He also mentioned that flooding was a major issue in this area and he has responded to numerous calls in the City of Mission to flooding areas and this area was one of them. Mr. Martinez stated that he was a rescue diver and was highly trained in water rescues and for him this was an area of major concern. He added that if SISD gets rid of the detention area it would make things worse. Mr. Martinez stated that he was thinking in the safety of his children. He mentioned that this area was not for buses to be driving through, especially for the children that walk to school. He added that his property would be devaluated if they allow this type of activity in that area.

Also in opposition, Mrs. Kathy Garcia who resides at 1409 Don's Drive stated that she does not need any more traffic at all in her street. She added that she totally disagrees with the request. She mentioned that taking their children to Mission Jr. High was a hassle just to get in and out in the mornings; it was a hassle to try to maneuver a way around with the cones at Bryan Elementary; the whole thing was very difficult and to add any more traffic at all would not be a very good decision for the citizens and for the people that live in this area. Mrs. Garcia asked the Board to deny this request.

Chairman Sheats closed this portion of citizens participation and proceeded to asked the applicant, to come forward and explain what they are doing and the time frames that they will be using, which at this point seems to be Business 83, 99% of the time. Chairman Sheats again asked the audience

to please remain silent until the applicant's done with their presentation and after if they feel that they must ask a question then address the commission to be recognized.

Mr. Scott Owings, Superintendent for Sharyland ISD stated that he believes there was a lot of miss-information out there, and as Mr. Zavala explained earlier we do not plan on using Elm. This was only in case they were in dire need of a third exit. He added that they just liked to retain the rights to the right-of-way and not have that eliminated. Mr. Owings added that this property was obviously a heavy commercial industrial facility it's zoned that way, and they don't plan any other use other than what is already currently zoned. He mentioned that this property had already been purchased. Mr. Owings stated that they plan to use Elm, only in dire emergency and besides, if they decided to use it on a permanent basis they would come before the Planning and Zoning Commission. He mentioned that there was a question regarding paving, and stated that they will pave just a little bit more of the grass area for employee parking, but nothing major. Mr. Owings stated that they didn't plan any other construction of buildings because this would meet their needs for many years to come and again just in case everybody didn't hear earlier they are going to greatly increase the ponding capacity which should help the neighborhood. He mentioned that they wanted to be good neighbors, the lighting would be downcast, and they were going to put cedar fencing. He added that the time the buses leave in the morning is about 6:00 to 6:15 a.m. they all go out at once that will be off-time from when the regular Bryan Elementary traffic begins and leave at 2:00 to 2:15 p.m. again off at the peak times. Mr. Owings mentioned that this was the BFI facility with heavy traffic and a lumber yard so this was just going to be used with the existing code. He stated that they were not asking for anything different than what was in existence, and wasn't a trick session like somebody mentioned earlier that I would sign a paper and start using it. Mr. Owings stated that if there was ever a intent to use it as a primary access, they would come back to P&Z for approval.

Mr. Vela asked Mr. Owings how many cars; truck, buses and vans would there be.

Mr. Owings stated that they had 64 buses, but really they were only 47 routes. He added that they don't run all the buses. Some of them are used for extracurricular activities.

Mr. Vela asked how many cars, trucks, and vans were going to this property.

Mr. Owings stated that they had 11 SUV's or trucks.

Mr. Vela asked if they were the only people that would be going to this property.

Mr. Owings stated that the employees would also be going there.

Mr. Vela asked how many more people he was talking about. He mentioned that they were already 58 people going in plus the employees and asked if there were going to be any mechanics.

Mr. Owings stated that they were a total of 70 employees.

Mr. Vela asked Mr. Owings if he was aware that there was railroad track there when you purchased the property.

Mr. Owings replied, "Of course".

Mr. Vela asked Mr. Owings if he was aware of the only exit they had to go in and out.

Mr. Owings stated they knew there was an existing right-of-way that could be used.

Mr. Vela stated that the right-of-way was not there and that was why they came before P&Z.

Chairman Sheats clarified to Mr. Vela that the right-of-way was already there.

Mr. Vela asked Mr. Owings if they had made a study of the impact this would cause to this area.

Mr. Owings stated that they haven't made any study yet.

Mr. Vela asked Mr. Owings if he was aware that there was an elementary school next to their building.

Mr. Owings replied, "Yes".

Mr. Vela asked Mr. Owings if he was aware that buses usually cause fumes to blow southward toward the school.

Mr. Owings stated that Mr. Vela was getting a little off of the request.

Chairman Sheats stated that he believed the issue they had was some type of health problem and not which way the wind blows. He added that as far as he was concerned the wind usually blows from the southeast however, be that as it may Mr. Vela needs to remember that the property has a C-4 designation. He added that P&Z was not doing anything with the zoning itself just because this particular C-4 application generates some fumes it would not be any difference, although it might be the amount of quantity in fumes generated by any other C-4 occupation.

Mr. Vela stated that he believed it would be different because BFI & Stock Lumber Company didn't have 70 or 80 vehicles come in at the same time. He added that he has a grandchild that goes to that school and he was concerned. Mr. Vela asked Mr. Owings if he couldn't find any other property other than this area.

Mrs. Caudle asked Mr. Owings if this was going to be their only bus barn or were they going to keep the one at Shary Road.

Mr. Owings stated that they plan to sell the one in Shary Road.

Mrs. Caudle asked if they were planning to move everything and why?

Mr. Owings stated that they have grown and needed a larger stage.

Chairman Sheats asked if there had ever been a question on whether they were going to use this as a bus barn or not.

Mr. Owings replied, "No".

Chairman Sheats mentioned that they had the bus barn in one place and they were moving it to another place it didn't affect the number of buses or trip or anything else it would be the same as it was on Shary Road so if there was a misunderstanding on that he didn't see where it came from. At this time there were some questions voiced by the audience.

Chairman Sheats stated that he had closed the citizen's participation at this particular point and time.

City Attorney David Guerra stated that Mr. Sheats being the presiding officer presides over the meeting he sets the rules as to the public hearing and I believe his rules have been reasonable.

A lady from the audience asked what happens with the questions that they have.

Chairman Sheats stated that he was very sorry but they have heard the Attorney's counsel and if they had to, they could close the meeting and move in private and clear the room. Those were the terms.

Chairman Sheats asked if the Board had any other questions.

There being none.

Chairman Sheats entertained a motion. Mr. Vela moved to deny SISD proposal. The motion failed for lack of a second.

Chairman Sheats entertained another motion. Mr. Garza moved to 'Table' the item so that SISD could have the opportunity to talk with the neighborhood since there seems to be a lot of unanswered questions.

City Attorney David Guerra asked Mr. Sheats if he was closing the public hearing for when and if they see the item in the future, it will be re-opened again or was he closing the public hearing completely.

Chairman Sheats stated that the public hearing would be opened again for discussion in the future.

Mr. Garza stated that he wanted to table this item so that the people present can get with the Sharyland Superintendent so they could have more answers to the questions that they currently have.

Chairman Sheats stated that in other words Sharyland needs to go out there and try to educate and explain to the people that are most heavily affected by this situation.

Mrs. Caudle asked Mr. Guerra if this item was only for the opening of San Felipe onto Elm Street.

Mr. Guerra stated that what was before P&Z today was the request from SISD to open San Felipe Drive, but is only a recommendation for the City Council.

Mrs. Caudle stated that this request would not effect to moving the bus barn.

Mr. Guerra replied, "No". He added that it was his understanding that SISD had purchased the property zoned C-4 and what they proposed to use it for is permitted under a C-4 zone.

Chairman Sheats asked Mr. Garza if he cared to remove his motion.

Mr. Garza removed this motion to table the item.

Chairman Sheats stated that this was not the final place for the decision. He added that the final place for the decision was at the City Council meeting to be held July 12 at this same Council Chambers. Mr. Sheats stated that P&Z was asked to give their opinion as far as whether or not the bus barn could have access from San Felipe with than being said, Chairman entertained a motion. Mr. Garza moved to deny the access onto Elm Drive. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

Chairman Sheats stated that P&Z had recommended to the City Council that although the bus barn would be moving in, they don't feel the road should be open.

Started: 5:54 p.m.

Ended: 5:56 p.m.

Item# 1.2

Rezoning:

**A 0.918 acre tract of land out of Lot 281,
John H. Shary Subdivision
AO-I to R-1A
Julio Cesar Constantino**

Mr. Salinas briefed over the write-up stating that the subject site is located on the SE corner of Mile 2 and Stewart Road. The surrounding zones include AO-I to the north, east, and south, and R-1A to the west. The land uses include single residence to the north & south, open acreage to the east, & a residential subdivision to the west. The Future Land Use Map reflects a Lower Density (LDA) designation for this area.

The proposed zone complies with the City's Future Land Use Map, which reflects a Lower Density (LDA) Residential designation. The proposed R-1A zone typically falls under this designation, which is primarily for larger estate settings. Staff recommended approval to the request.

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 the applicant, Mr. Daniel Flores who resides at 3204 San Mateo in Mission, stated that the applicant wanted to construct a home meeting the City of Mission's standards.

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

Started: 5:56 p.m.

Ended: 5:58 p.m.

Item# 1.3

Conditional Use Permit:

**To Keep a 12' X 16' Portable Building
For Use as a Sales Office
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza
C-4
Life of Use
Patricia Garcia**

Mr. Salinas briefed over the write-up stating that the site is located 600' east of Stewart Road along the north side of the Expressway 83 Frontage Road. This particular pre-existing portable was approved by P&Z on August 19, 2009. It was used as a sales office for a nursery/landscaping business, prior to shutting down. Now a new owner wishes to re-open the establishment for the same type of business.

With all of the landscaping items, the portable is not readily seen – it is obscured. However, having the portable next to a site built structure (dialysis/attorney) may not be a long-term desire of the City when considering aesthetics along a major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure.

- Days / Hours of Operation: Monday – Saturday from 9 a.m. to 6 p.m.
- Staff: 2 employees
- Must install landscaping prior to business license issuance
- A business license is required prior to occupancy
- Must meet the City's Sign Ordinance

Staff recommended approval subject to: **1)** annual 1 year re-evaluations, **2)** acquisition of a business license, **3)** must comply with landscaping requirements, and **4)** non-transferability to others.

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. Patricia Garcia was present to answer any questions from the board.

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: 5:58 p.m.

Ended: 6:01 p.m.

Item # 2.0

Site Plan Approval:

**Construction of 24 Apartments
1.173 ac. tract of land out of
Lot 25-12, West Addition to
Sharyland Subdivision
R-3
Manuel Jr. & Beatriz Mata**

Mr. Salinas went over the write up stating that the 198' by 276.13' property is located 500' west of Stewart Road along the south side of 24th Street. P&Z may recall that they recently approved 28 apartments for this site on 4-28-10; however wanting to provide a more secure environment, the applicant wanted to propose this new site plan with 24 apartments and a gated entrance. The applicant wishes to build 3 two story complexes containing 8 apartments each (24 -2 bedroom apartments overall). Each apartment will be approximately 1,000 sq. ft. and will be divided by a minimum of 1 hr. rated firewalls. A fire hydrant is proposed along the SE area of the property as per direction of the Fire Marshal. An 8" waterline is also proposed to provide an internal loop for the water system. This property was approved for a Single Lot Variance on 3-24-10 in order to obtain permits for this project. During the SLV, the park fees and Capital sewer recovery fees were calculated using the 28 apartment figures, these figures will be modified to the 24 apartment proposal.

SETBACKS: The minimum required setbacks based on zoning are: Front: 30', Rear: 15', Sides: 6'. The proposal is exceeding all setback requirements, thus compliant to code.

PARKING: The 24 units are calculated to require 48 parking spaces based on the 2:1 parking ratio. The applicant is proposing 48 parking spaces meeting the minimum requirements.

LANDSCAPING: The applicant is meeting the ten percent landscaping requirement by proposing landscaping along the 24th St. frontage and has also included landscaped areas between and in front of each building. A minimum of 7 - 3" caliper shade trees are required to be planted within frontage area and within the landscape areas.

BUFFERING: A 6' opaque buffer is proposed along the perimeter of the property with a centrally located, gated entrance and exit off of 24th St. the gate proposal has been reviewed and approved by the Fire Marshal's Office, provided they also install a Knox Bypass switch, which is required on all gated streets.

OTHER COMMENTS:

- Payment of all fees and additional requirements from the Single Lot Variance (Capital Sewer Recovery, Park Fees, install 1 fire hydrant along 24th St. as per the direction of the Fire Marshal, 5' sidewalks along 24th St., etc.) are required prior to permit issuance and final occupancy.
- A drainage plan has been submitted for the approval by the City Engineer.
- According to the drainage plan, the applicant is proposing to open cut the existing driveway and sidewalk owned by the neighbor to the east. Staff highly recommends boring under both so as not to be as intrusive to the neighbor's property.
- With the traffic from the Agape School and Municipal park to the north, staff is concerned that there may be a traffic conflict with the parents attempting to pick up their kids, etc. In talking to the applicant, he has agreed to have the gates opened during the times when there would be the most traffic in the area, i.e. school release, 5p.m., etc.

Staff recommends approval subject to: 1) Meet all requirements and pay all fees required during the Single Lot Variance, 2) Install a Knox Bypass switch

to allow emergency access through the gate, 3) Bore under the driveway and sidewalk located east of the subject site, and 4) Drainage plan must be approved by the City Engineer, prior to permit issuance.

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 site plan subject to staff's recommendations. Mrs. Caudle seconded the motion. Upon a vote the motion passed unanimously.

Started: 6:01 p.m.

Ended: 6:04 p.m.

Item # 2.1

Site Plan Approval:

**Institutional Use of Lot 5, Bk. 55,
Mission Original Townsite
206 N. St. Marie
R-1
Apostolic Assembly**

Mr. Zavala went over the write-up stating that the subject site is 50' north of 2nd Street along the east side of St. Marie. The previous use has been a single-family residence. The site adjoins the Apostolic Assembly Church, a permitted institutional use. The applicant desires to use the structure for Sunday school lessons for the children which take approximately 90 minutes of the day. Also, several adult church leaders may use the building for an occasional meeting.

The parking area is not currently paved but is grandfathered to the primary use. No additional parking is required since the children simply walk over from the main building to the adjoining structure during their Sunday meetings.

The floor plan shows the various rooms; the City's Building Inspector has inspected the building and it is compliant to current codes. The Fire Marshal's office also indicated that there will be a need to reserve the swinging of doors to be in an outward fashion (remember, it was residential

so the doors swing inward); and they also indicated that some emergency back-up lights, 'Exit' signs, and some fire extinguishers will be mandated. We note that the City of Mission has agreed to install a fire hydrant near the facility to provide protection to the general area. The applicants have been aware of the city's comments and they are receptive to comply with all prevailing codes. Staff recommended approval; since activity would actually be less than a residential use.

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 Apostolic Assembly Pastor Roberto Rios was present to answer any questions from the board.

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

Started: 6:04 p.m.

Ended: 6:08 p.m.

Item # 3.0

Single Lot Variance:

**A .28 ac. tract of land being the
N. 71' – E. 75' out of Lot 182,
John H. Shary Subdivision
R-1
Juan Martinez**

Mr. Zavala went over the write-up stating that this property is located on the northwest corner of E. 2 ½ St. and Glasscock Rd.-see vicinity map. The property measures 71' by 75'. The applicant wishes to construct a new home on the subject property. There are currently two residential homes on the property which would have to be removed prior to any building permit issuance. We also noticed that one of the existing buildings on the adjoining lot is encroaching onto the subject site. This structure would also need to be cut back to be within their respective property line.

The City is currently in the process of installing an 8" water line along Union Ave. and E. 2 ½ St., thus bringing this area up to code. There is also an existing fire hydrant just south of the subject site.

There is an existing 8" sanitary sewer line running along the north side of 2 ½ St., which currently serves this property.

The property has frontage along Glasscock Rd., a future 80' ROW/57'B/B paved street. The MPO Thoroughfare Plan requires a minimum of 40' ROW from the centerline of the street. An additional 20' of ROW is required in order to meet MPO requirements and the fence must be relocated to the new lot line. The cost to widen Glasscock Rd. is also required to be escrowed at \$55.90 per linear foot which equates to \$3,969.00 (\$55.90 X 71l.f.). The applicant will also be responsible for the future widening of E. 2 ½ St., which is projected to be a 37' B/B street, which equates to \$2,163.02 (\$28.84 X 75l.f.). The applicant must have a street light installed at the intersection of 2 ½ St. and Glasscock Rd.

Mr. Zavala stated that since there is an existing home on the property, park fees will not be imposed. Also since they are also connected to sewer, the capital sewer recovery fee will not be imposed. He added that they would need to escrow 5' sidewalks - \$12.00/l.f. X 71' = \$852.00 (Glascock Rd. Only) and provide proof of exclusion from the Water District.

Staff does not object to the single lot variance subject to: 1) Removal of the two homes and the portion of the neighboring home encroaching onto the subject site; 2) Dedication of 20' additional ROW along Glasscock Rd.; 3) Escrow 5' sidewalks & street widening costs along Glasscock Rd. and the future widening of E. 2 ½ St., 4) Install or Escrow 1 street light at the intersection of Glasscock Rd. and 2 ½ St., and 5) Provide proof of exclusion from the water district.

Mr. Zavala stated that he was not aware if Mr. Salinas had the opportunity to contact Stephen Dunn with United Irrigation District to check on the water district exclusion for this property.

Chairman Sheats asked if the applicant was receptive to staff's recommendations.

Mr. Salinas stated that he didn't have the opportunity to discuss the requirements with the applicant but he knew the applicant was present. Mr. Salinas added that he talked with Stephen Dunn from the Water District regarding the exclusion and he advised him that this property had already been excluded therefore that would not be a requirement anymore.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Juan Martinez stated that he was receptive to staff's recommendations.

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

Started: 6:08 p.m.

Ended: 6:11 p.m.

Item # 3.1

Single Lot Variance: A .27 ac. tract of land being the S. 70' & W. 165' of the E. 340' out of Lot 182, John H. Shary Subdivision R-1 Esperanza Gonzalez Pena

Mr. Salinas went over the write-up stating that this property is located 72' north of the E. 2 ½ St. along the east side of Union Ave.-see vicinity map. The property measures 70' by 165'. The subject site is currently vacant however the applicant wishes to move in one of the homes that currently exists at the NW corner of E. 2 ½ St. and Glasscock Rd. Staff will ensure that the home meets minimum City codes prior to allowing the moving of the home to the site.

The City is currently in the process of installing an 8" water line along Union Ave. and E. 2 ½ St., thus bringing this area up to code. There will be a fire hydrant installed approximately 140' north of the lot.

The City recently installed an 8" sanitary sewer line to serve these tracts that were on septic tanks.

The City will be paving Union Ave. to a 24' E/E street; however the applicant will be responsible for the future 4' widening (on her side) to eventually equate to the standard 32' B/B code. As per the City Engineer, the pro-rata cost equates to \$1,216.08 (\$16.89 X 72 l.f.). The applicant must also arrange to have a street light installed or escrowed to serve Union Ave.

Other comments included the following: Park Fees - \$300.00/Lot; Capital Sewer Recovery Fee - \$200.00/Lot, and Provide proof of exclusion from the Water District.

Staff does not object to the single lot variance subject to: 1) Escrowing the future widening of Union Avenue in the amount of \$1,216.08; 2) Must pay the park and sewer capital recovery fees; 3) Install or Escrow 1 street light to serve the Union Ave. area; and 4) Provide proof of exclusion from the water district.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Started: 6:11 p.m.

Ended: 6:14 p.m.

Item # 4.0

**Pre-Final Plat Approval: Shary Villas Subdivision, Ph. II
5.416 Ac. out of Lot 245,
John H. Shary Subdivision
R-1
Developer: Mike Moffitt
Engineer: Melden & Hunt, Inc.**

Mr. Salinas went over the write-up stating that this proposed subdivision is located on the NE corner of Shary Rd. and E. 22nd St.-see vicinity map. The proposed subdivision consists of 13 SF Residential lots. The lots sizes range from 16,423.60 sq. ft. to 23,579.27 sq. ft. This subdivision was approved by P&Z on 11-12-03 and by City Council on 11-24-03, however was never recorded. Staff noted that all pavement and utility work was installed pursuant to the City's 2003 construction standards but lacked the sewer serviced being extended a bit further. The developer now desired to record the plat.

An existing internal 8" water line system provides service to all lots with existing hydrants located via direction from Fire Marshal. The system is looped with an existing 10" line located on Shary Rd. and is also looped to an existing 8" line via Hackberry Manor's network.

An existing 8" sewer line provides service to all lots as it ties to an existing 8" sewer network along the east side of Grapefruit Dr. and flows south to Shary Villas, Ph. I's network. Public Works did mention that the sewer service connections for each lot needed to be extended enough to bypass

the existing waterline in order to avoid any future conflict when connecting into the sewer system. The \$200.00/Lot capital sewer recovery fee will be imposed ($\$200.00 \times 13 = \$2,600.00$).

The subdivision adjoins Shary Rd. a future 120' ROW / 81' B/B street. An additional 10' of ROW will be required along Shary Rd. in order to comply with the MPO's thoroughfare plan. Grapefruit and E. 22nd St. are both existing streets. Storm drainage is accomplished through an existing series of 24" storm lines which lead into Shary Villas, Ph. I existing system.

Other comments included: provide proof of exclusion from the water district; Park Fees in the amount of \$3,900.00 (13 Lots X \$300.00/Lot); and Drainage Reimbursements to the City due in the amount of \$5,578.48 ($\$1,030/\text{Ac.} \times 5.416\text{ac.}$)

Staff recommended approval subject to: 1) Payment of the Park Fees, 2) Drainage Reimbursement, 3) Capital Sewer Recovery Fees, 4) Provide proof of exclusion from the water district, and 5) that the sewer connections for each lot be extended enough to bypass the existing waterline to avoid any future conflict when connecting into the sewer system.

Chairman Sheats asked if the applicant or representative were present.

Engineer Fred L. Kurth from Melden & Hunt was present to address any questions that the Board might have.

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

5.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mrs. Caudle moved to adjourn. Mr. Lopez seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:15 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission