

**PLANNING AND ZONING COMMISSION
JULY 28, 2010
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
Jose G. Vela

P&Z ABSENT

Luann Caudle
Marisela Marin
Rene Flores

STAFF PRESENT

Sergio Zavala
Alex Hernández
Patricio Martinez
Sonia Carnes
Susana De Luna

GUESTS PRESENT

Jesse Muñiz
Ray Perez
Norma Leal
Saul Leal
Mariano Garcia
Raul Garcia, Jr.
Joseph & Karol Quinlan
Leo Sanchez

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 JULY 14, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Vela moved to approve the minutes of July 14, 2010 as presented. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:05 p.m.

Item# 1.1

Rezoning:

**A 9.00 acre tract of land out of
Lot 226, John H. Shary Subdivision
AO-I to R-1A
Sharyland ISD**

Mr. Zavala briefed over the write-up stating that the subject site is located at the SW corner of Taylor Road and Sunset Lane. Surrounding Zones include: R-1A (Large Lot Single Family Residential) to the north, west, south, and City of McAllen to the east. The surrounding land uses include residential subdivisions in all directions. The site is currently open acreage, which is currently utilized by Sharyland ISD for band practice, soccer, and other school functions. 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, area residential land uses, and the predominant R-1A zoning. 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.

Mr. Jesse Muñiz, Sharyland Assistant Superintendent whose office is at 1106 N. Shary Road, stated that the district has owned this property for many years. He added that in the near future they would be coming back to P&Z to dedicate Sunset Lane to the City of Mission.

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

Started: 5:05 p.m.

Ended: 5:11 p.m.

Item# 1.2

Rezoning:

**A 1.779 acre tract of land out of
Lot 205, John H. Shary Subdivision
AO-I to C-3
Homer Jasso**

Mr. Zavala briefed over the write-up stating that the site is located 400' south of Business 83 along the east side of Shary Road. The surrounding zones include: C-2 (Neighborhood Commercial) to the north, R-1 (Single Family Residential) to the east, C-4 (Heavy Commercial) to the west, and AO-I (Agricultural Open Interim) to the south. The surrounding land uses consist of an auto parts retail store (Advanced Auto Parts) to the north, open acreage to the south, a residential subdivision to the east, and a tractor retail store (Weaks Martin) to the west. The subject site is currently open acreage. The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Road frontage. The subject property has been a commercial 'reserve' since the inception of the Master Plan. It should be changed to C-3 due to FLUM compliance, frontage to a widened major thoroughfare, adjoins an existing commercial user, and abuts a commercial zone. Staff recommended approval.

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

Mr. Joseph Quinlan who resides at 615 Sycamore Avenue, being Lot 96, Shary Crossing Subdivision, stated that when he bought his property two years ago the original drawings that he saw indicated that this property would be for "offices and retail stores and not an oil change business." Mr. Quinlan added that his concern was regarding the environmental impact, smell, lighting, etc.

Chairman Sheats asked Mr. Quinlan where he obtained the information that this property would be for 'offices and retail stores.'

Mr. Quinlan stated that he obtained the information on-line when he was researching flood plain maps for this particular subdivision.

Chairman Sheats stated that generally a C-3 (Generally Commercial) encompasses just about all commercial/retail uses.

Mr. Zavala stated that a C-3 zone would include offices, hair salons, oil lube operation, etc.

Mr. Quinlan asked what type of safeguards are in place when an oil change business is allowed next to the residential areas.

Chairman Sheats stated that there were regulations and ordinances within the city that the applicant would need to abide by when they present their final plans. He added that the only agenda item being considered was the zoning of the property but the applicant's final layout would need to comply with City's ordinances.

Chairman Sheats asked if the applicant or representative was present.

Representing the applicant, Mr. Ray Perez stated he had just moved to Sharyland and didn't know his address, but his other identical business was at 1704 S. Sugar Road in Edinburg which was next to a heavy residential area. Mr. Perez added that they were complying with every State and Federal law.

Chairman Sheats asked Mr. Perez if he could address the concerns mentioned by Mr. Quinlan like the pieces of equipment being used to minimize the smell, lighting, and noise.

Using the Edinburg oil change business as an example, Mr. Perez stated that they faced Sugar Road and had residences right behind them and he never had any complaints for smell, noise, etc. He added that he has been at this Edinburg location for 5 years and do about 1000 oil changes a month. Mr. Perez stated that he didn't want his shop to be messy or smelly, otherwise the people would not want to stop for an oil change. He added that they were #1 from San Antonio to the Rio

Grande Valley because they dotted all their "I's" and crossed all their "T's". Mr. Perez stated that they were all about service for the residential people, and "guaranteed" that his business would not be a problem to the area.

Chairman Sheats stated that the only proposal before the Board was for the rezoning but would strongly recommend that the applicant be very careful about the buffering, the size of the fencing, and making sure that lighting wouldn't be spilled to the residential area.

Mr. Zavala stated that the subdivision had been filed and comments were sent to Hinojosa Engineering this afternoon. He added that one of the plat notes required P&Z's site plan approval; thus, P&Z would have the opportunity to look at the building plan before any construction was done.

There being no further 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: 5:11 p.m.

Ended: 5:18 p.m.

Item# 1.3

**Conditional Use Permit
& Site Plan Approval:**

**Drive-Thru Service Window for Bakery
Lot 9, Block 5, Taurus Estates No. 9, Ph. I
C-2
Life of Use
Norma Leal**

Mr. Zavala briefed over the write-up stating that the site is located on the NW corner of Inspiration Road and Azalea Street. The applicant is proposing to build a new 78' x 47.8' (total of 3,728 sq. ft.) bakery with a drive-thru service window. The site will have a 30' access point off of Inspiration and a 24' access to an alley off of Azalea. Drive-thru customers will primarily use the Azalea alley access in order to utilize the drive-thru service window. The location of the windows allows enough stacking for at least 3 vehicles.

Parking: The number of parking spaces required for a building of this size is 12. The applicant is providing 24 spaces, leaving 12 surplus spaces. They are also proposing a paved cross access to the north to provide possible future connectivity to other non-residential users. A cross access easement must be recorded with the County Clerk's Office. Staff also notes that if the property to the north is used for residential purposes, no access will be allowed through the cross access easement (and additional parking may be utilized).

Landscaping: The applicant is providing over the minimum 5% landscaping (7.38%) and is proposing the installation of hedges & trees within the green areas, thus complaint to code.

Other comments include:

- Days & Hours of operation: Everyday from 7:00 a.m. to 9:00 p.m.
- Staff: 4 employees
- A 6' fence buffer will be required along the north side of the property and around the bin location.
- A 5' sidewalk is proposed along Azalea & Inspiration Road (with ADA ramps).
- A speed bump is shown at a potential conflict point.
- The City Engineer will ensure that the proper drainage calculations are being 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 subject to: 1) 1 year re-evaluation to assess this new operation, 2) installation or escrow of buffer to the north, 3) record cross access easement document with County Records, 4) Drainage plan to be approved by the City Engineer, 5) must comply with landscaping and sign codes, and 6) acquire a business license after meeting all other requirements.

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

There was no response from the audience.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mrs. Norma Leal who resides 1101 Quartz St. in Peñitas, stated that she was receptive to staff's recommendations.

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

Started: 5:18 p.m.

Ended: 5:25 p.m.

Item # 2.0

Site Plan Approval:

**Construction of a New Instructional Facility
A 9.00 acre tract of land out of**

**Lot 226, John H. Shary Subdivision
AO-I (R-1A Proposed)
Sharyland ISD**

Mr. Zavala went over the write up stating that the 9 acre tract is located on the SW corner of Taylor Road and Sunset Lane. Sharyland ISD wishes to construct new facility for their Alternative Education Program. It will be an 8,344.96 sq. ft. building, which includes 5 classrooms, 3 offices, 1 computer lab room and bathroom facilities, The minimum setbacks based on R-1A zoning are: Front: 25', Rear; 10', Sides: 6' and 35' along Taylor Road. The proposal is exceeding all setback requirements, thus compliant to code.

Utilities: The site has access to an existing 6' waterline along Taylor Road; however the Fire Marshal is requesting a new fire hydrant near the intersection of Taylor Road and Sunset Lane. Sharyland ISD is proposing the installation of a new 8" sewer service line from an existing Manhole located on the SW corner of the 9 acre tract. The installation must be approved by Public Works. Mr. Zavala added that in conferring with Mr. Chapa from Public Works regarding this matter, he indicated that the depth proposed was appropriate to serve the facility.

Parking: The 5 classrooms are calculated to require 20 parking spaces based on 4 parking spaces per classroom. The applicant is proposing 21 parking spaces meeting the minimum requirements.

Landscaping: The applicant is meeting the 5% landscaping requirement by proposing 5' flower beds from the edge of the building along the Sunset Lane and Taylor Road sides. They will also be installing 7 - 3" caliper oak trees within frontage areas described. The trash bin will be located on the south side of the property within the parking lot.

Other Comments include:

- A 6' opaque buffer will be required along the southern perimeter where the new building abuts a residence. The trash bin located must be screened with a 6' opaque buffer, as well.
- Drainage to be approved by the City Engineer, prior to building permit issuance.
- Prior to permit issuance SISD must comply with the requirements of the Single Lot Variance from 9-9-09, which include: Street widening escrows, payment of sewer capital recovery fees, dedication of 40' ROW along Taylor Road, 45' ROW along Sunset Lane, and the ROW portion along the abandoned UID ROW for the future Banworth Road and, street lighting along Taylor and Sunset, etc.

Staff recommends approval subject to: 1) meet all requirements and pay all fees required during the Single Lot Variance, 2) install 6' fence along the south side abutting residential uses and the trash bin, and 3) a drainage plan must be approved by the City Engineer prior to permit issuance.

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

There was no response.

Representing the applicant, Mr. Mariano Garcia, P.E., was present to address any questions that the Board might have.

Chairman Sheats asked Mr. Zavala if there was a buffer fence on Sunset Gardens Subdivision.

Mr. Zavala stated that Sunset Gardens had installed their own buffer. He added that the developers wanted a private subdivision which means that all of it would be fenced up. Mr. Zavala also noted that Sharyland ISD had a sidewalk along the south side of Sunset Lane already.

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

Started: 5:25 p.m.

Ended: 5:28 p.m.

Item # 3.0

**Pre-Final Resubdivision: San Marino Subdivision Phase II
4.16 ac. being a Replat of Lots 6 & 7,
Sharyland Plantation Village Saddle Club
PUD
Developer: Hunt Valley Dev. I, LLC
Engineer: Half Associates**

Mr. Zavala went over the write up stating that the proposed subdivision is located in the SW area of Shary Road and Los Milagros. The entire 24 lots subdivision was approved by the P&Z on 11-14-07, however only Phase I was recorded. Since it has been well over a year since we've last seen this item, staff is requesting P&Z approval once again.

Chairman Sheats asked if this was the second or third change on this subdivision.

Mr. Zavala stated that it actually was the third change because the first one was the subdivision, the second was the proposal where they didn't want a public street but rather a private street, and now this Phase II was the third proposition.

Mr. Zavala stated that Phase II consists of 11 residential lots, with lot sizes ranging from 12,500 sq. ft. to 20,993 sq. ft. These lots are consistent to the surrounding area and comply with the PUD guideline for "Low Density" being 12,000 sq. ft. When construction for San Marino, Phase I was done; the utilities for the entire subdivision were installed and approved by Public Works.

Water: An existing 8" water line system provides service to all lots with 3 hydrants located via direction from the Fire Marshal's Office. Inter-looping exists between the perimeter 8" line on Solera (west), & 2 points of contact at Shary's 16" line.

Sewer: An existing 8" system provides service to all lots as it ties into the existing 8" sewer network along El Jardin. The capital sewer recovery fee of \$4,800 was already paid by the developer during Phase I and is not required for the remainder of the subdivision (\$200/lot x 24 Lots Phase I & II).

Street & Storm Drainage: There is an existing 50' ROW/32' B-B street, with 10' /15' U.E. on both sides ending in a cul-de-sac. No additional ROW dedication is required on the perimeter streets. There are 2 common areas within this phase; a continuation of the perimeter Common Area A from Phase I, which is for landscaping and prevents anyone from accessing the perimeter streets. The second common area is located between Lots 1 & 24. Storm drainage exists through a series of 36", 30", & 24" storm lines, which connect into 5' x 2' box culverts leading into Hunt's existing ditch system. This system was reviewed and approved by the City Engineer at the time of construction for Phase I.

Other Comments include: Comply with water rights policy & park fee dedication of Park Fee' Reserve.

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 the applicant, Mr. Raul Garcia from Halff Associates, 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 re-subdivision as recommended by staff. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

Mr. Zavala recognized Deputy City Manager Sonia Carnes, Graphic Technician Alex Hernandez, and New Staff Member/Graphic Technician Pat Martinez who just started yesterday.

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Garza moved to adjourn. Mr. Lopez seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:30 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission