

**PLANNING AND ZONING COMMISSION
JANUARY 5, 2011
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Carlos Lopez
Marisela Marin
Jose G. Vela
Mario Garza
Rene Flores

P&Z ABSENT

Luann Caudle

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Sonia Carnes
Susana De Luna
Patricio Martinez

GUESTS PRESENT

Bill & Berta Filut
Crystal Santos
Cristian Martinez
Carl Davis

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 DECEMBER 8, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Vela moved to approve the minutes of December 8, 2010 as presented. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:06 p.m.

Item# 1.1

Election of Chairman and Vice-Chairman

Mr. Salinas stated that it was common procedure to elect a Chairman and a Vice-Chairman every year.

Mr. Sheats asked if there was any nomination for Chairman. Mrs. Marin nominated Mr. Sheats for Chairman. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats asked if there was any nomination for Vice-Chairman. Being none, he nominated Mrs. Marin. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:06 p.m.

Item# 1.2

**Conditional Use Permit: Carnival and Fun Fair
12.4 Acres out of Lot 25-6,
West Addition to Sharyland Subdivision
AO-I
January 16, 2011 through January 30, 2011
Texas Citrus Fiesta (c/o Berta H. Filut)**

Mr. Salinas briefed over the write-up stating that the subject site is located near the NW corner of Conway and Griffin Parkway (FM 495). Texas Citrus Fiesta organizers have been given permission to have the carnival and fun fair on the vacant lots to the north and west of the old Carl's Supermarket on dates mentioned above. The hours of operation are as follows: Weekdays 5:30 p.m. to 10:30 p.m. and Weekends 1:00 p.m. to 11:30 p.m. Parking for both events will be provided by utilizing the old Carl's parking lot adjacent to the two events. We encourage that "No Parking" signs be placed along Conway and FM 495 and that there be early morning trash pick-up throughout the entire site during the "Heart of America Shows" Carnival's tenure.

The Zoning code states that a carnival site should be a minimum of 300' away from a residentially used property from lot line to lot line. There is a residential subdivision with a few homes within this radius; thus a waiver of the separation requirement needs consideration.

Security will be evident as in past events via Mission PD officers (as hired by TCF) and sufficient restrooms will be available. All provisions of Chapter 10 of the Mission Code of Ordinances – Amusements and Entertainment – will need to be complied with, in particular the insurance coverage requirements for such amusements.

Staff recommended approval subject to: **1)** installation of a perimeter fence/debris stop, **2)** installation of "No Parking" signs along Conway and Griffin Parkway, **3)** waiver the separation requirement, and **4)** meet noise, insurance, and any other related code.

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 Texas Citrus Fiesta, Mrs. Bertha Filut who resides at 1102 Fairway Drive in Mission, Texas.

Chairman Sheats asked if they agreed with all of staff's recommendations.

Mrs. Filut stated that for they had the Mission Police participating in securing the carnival grounds and events in the area and also had the Sheriff's Department volunteering and bringing their 30 cadets to help as well.

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

Mr. Flores asked Mrs. Filut when the parade was going to be held.

Mrs. Filut stated that it was going to be on January 29th at 4:00 p.m., the Fun Fair was going to start from 10:00 a.m. to 10:00 p.m., the product costume would be held on January 15th, and the royal gala on the 22nd.

Started: 5:07 p.m.

Ended: 5:09 p.m.

Item# 1.3

Conditional Use Permit:

The Complimentary offering of Alcoholic Beverages for on-site consumption for a Social and/or cultural event

202 W. Tom Landry

Lots 1-12, Block 174 & Lots 7-12, Block 175

Mission Original Townsite Subdivision

C-3

The Greater Mission Chamber of Commerce

Mr. Salinas briefed over the write-up stating that Ord. #3436 permits civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event. The Greater Mission Chamber of Commerce is requesting that the City consider issuing a CUP good for January 28, 2011 and January 29, 2011 from 6:00 p.m. to 12:00 a.m. The Chamber has scheduled a Sister City Welcome Party and Reception. During these events, complimentary alcoholic beverages will be served (not sold), where moderation will be self-monitored. 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 the Chamber of Commerce, Ms. Crystal Santos stated that she was the executive assistant for the chamber and her address was 220 W. Tom Landry in Mission. She added that they were requesting permission for this one event, which was the Welcome Party for their Sister City, which was prior to the kickoff for the Mayor's International Brunch. She mentioned that at this event there was no one actually driving. She stated that the Sister Cities in conjunction with the City of Mission were bused to and from the different locations.

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

Started: 5:09 p.m.

Ended: 5:12 p.m.

Item # 1.4

Conditional Use Permit:

To Place a portable Roasted Corn Stand

800 N. Conway Avenue

Lots 1-28, John H. Shary Industrial Subd.

C-3

Life of Use

Cristian Martinez

Mr. Salinas went over the write up stating that the H.E.B. site is located on the NE corner of Conway Avenue and 8th Street. The roasted corn stand is primarily a barbeque pit that is proposed to be located at the south entrance/exit of the building, near the open canopy of H-E-B. The stand must comply with any Fire Department requirements prior to business license issuance. Entry and exiting to the site is from two existing 36' driveway cuts along Conway Avenue; and an existing 36' driveway along 8th Street. H-E-B has authorized the operation use of the restroom facilities.

Hours of Operation: Everyday from 2:00 p.m. to 10:00 p.m.

Staff: Only the applicant will be running the stand.

Parking: There are 279 spaces available for both uses.

Must obtain a business license

Must obtain (health card) approval from the City's Health Dept.

Staff recommended approval subject to: **1)** a 1 year re-evaluation, **2)** approval from the Fire and Health Departments, and **3)** acquire a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Cristian Martinez stated that he just wanted the Board to consider his conditional use permit request.

Chairman Sheats asked if Mr. Martinez agreed with staff's recommendations.

Mr. Martinez replied, "Yes".

There being no further 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: 5:12 p.m.

Ended: 5:17 p.m.

Item # 1.5

Conditional Use Permit:

**Drive-Thru Window at
Don Memo's Restaurant
1724 W. Griffin Parkway
Lot D, Girasol Estates Subd.
C-3
Life of Use
Isis Haydee Lopez**

Mr. Salinas went over the write up stating that the subject site is located 600' east of Inspiration Road on the north side of Griffin Parkway. The applicant is proposing to re-open a restaurant with a drive-thru service window. The last restaurant that opened at this location was approved by P&Z on 6/17/09.

Access to the site is provided via a 30' drive from Griffin Parkway. The existing drive-thru window is located on the east side of the building, which allows service for two vehicles. These vehicles will then exit through the alley.

The corner window is NOT the service window; this area is where the old grill used to be – Ms. Lopez said this grill will NOT be used – the corner window will be obstructed with a menu to facilitate ordering. The floor plan's 'Freezer' will also NOT be used.

There will be 46 chairs, which require 15 parking spaces. Lot D has a total of 15 spaces thus compliant. Staff met with Ms. Lopez on 12/30/10 where she agreed that the parking lot would be re-stripped.

(Days and Hours of Operation:) Everyday from 7:00 a.m. to 11:00 p.m.
(Number of Employees) – 5

There is some existing landscaping; however, we would like to see some additional landscaping installed on the site to comply with our landscape policy.

Must obtain (health cards) approval from the City's Health Dept.

A business license is required prior to occupancy.

Staff recommended approval subject to: **1)** 1 year re-evaluation to consider re-approval of service window, **2)** provide additional landscaping, **3)** approval from the Health Department, and **4)** 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.

There was no response.

Mrs. Marin asked Mr. Zavala if there was parking on the back or side of the building.

Mr. Zavala stated that there were parking spaces located on the northeast side of the building.

Mrs. Marin stated that she had not recalled ever seeing any parking as you go out of a drive-thru.

Mr. Zavala stated that that parking area was predominately for staff.

Mrs. Marin asked if there was a speed bump.

Mr. Zavala stated that he had walked the area with the applicant last week and didn't see any but the reason staff didn't require a speed bump was because they didn't foresee people parking in this area and walking towards the front of the restaurant.

Mr. Mario Garza asked if the butane tank shown on the exhibit was still there.

Mr. Zavala stated that he didn't recall seeing one, but if the butane tank was there staff could require some bollards around it just in case they were not there already but he really didn't recall seeing it.

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

Started: 5:17 p.m.

Ended: 5:20 p.m.

Item # 1.6

Conditional Use Permit Renewal:

**Sale and On-Site Consumption of
Alcoholic Beverages – La Herradura
Restaurant and Bar
1215 E. Expressway 83
Lots 14 - 16,
Heritage Commercial Plaza Subd. # 1
C-3
Life of Use
Diego Salinas**

Mr. Salinas went over the write up stating that the subject site is located 780' west of Bryan Road along the north side of Expressway 83. A CUP for the sale of alcohol was previously approved by P&Z on 9/28/09. Mr. Salinas has been operating La Herradura over the past year. Mr. Salinas stated that he had talked to Assistant Chief Dominguez this afternoon and he said there were no incidents reported at this location except for one on December of last year regarding a stolen vehicle.

Such a use requires 300' separation from residential uses. Currently, there is a retirement community (Heritage Square) located immediately north across a public alley.

Hours of Operation: Sunday – Thursday from 11:00 a.m. to 12:00 a.m.
Friday & Saturday from 11:00 a.m. to 2:00 a.m.

Alcoholic beverages will only be served during allowable State selling hours.

Staff: 25 employees

Parking: Viewing the floor plan, there are 182 total seating spaces, which require 61 parking spaces (164 seats/1 space for every 3 seats = 60.6 parking spaces). There are a total of 62 existing spaces.

Staff recommended approval subject to: **1)** waiver of the 300' separation requirement, and **2)** perpetual 1 year re-evaluations due to the retirement (sensitive) community to the north.

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.

Chairman Sheats asked if the applicant had agreed to comply with staff's recommendations.

Mr. Salinas replied, "Yes".

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

Started: 5:20 p.m.

Ended: 5:22 p.m.

Item # 2.0

Site Plan Approval:

**Institutional Expansion in an R-1 zone
Lots 1-12, Block 119,
Mission Original Townsite Subdivision
1119 North Francisco
St. Paul's Catholic Church
Diocese of Brownsville**

Mr. Salinas went over the write up stating that the City's Zoning Ordinance currently reflects that any existing church that desires to expand must secure site plan approval first prior to said expansion. Under such 'existing institutional' uses, it does not require a public hearing.

-The proposal before this commission is to expand the restroom facilities for St. Paul's Catholic Church. As Staff understands it, there is only 1 restroom for a congregation of hundreds.

- There are other alternative locations to expand the restroom such as the north side where there would be no need for a variance. However, this southern option is still the most feasible as to utility, economic, & internal floor-plan logistics:

-the current restroom is at this alignment within the current structure thus the sewer service line is already at this southern area of the building.

-since their private sewer service line is already at this juncture, it is the most economical option without open-cutting the paved public alley to tap into the city sewer line that is fairly deep;

-since the restroom is at this southern juncture, the congregation is accustomed to it & will keep the building's restrooms all centralized;

-it is NOT readily feasible to add restroom facilities within the existing structure (w/out expansion); the current floor plan would be significantly altered where

fire-safety pathways may be breached as to width, etc.'

-if built on the north side, the restroom addition would be on top of other service utility lines such as electrical, water service, etc.

Though the variance seems extensive, the building and its underground service utilities are unique to the neighborhood where this Catholic church has acclimated very well within the surrounding single family residential neighborhood. Staff has no objections to the variance request.

Chairman Sheats asked if the applicant or representative were present.

Mr. Carl Davis 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 site plan as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:22 p.m.

Ended: 5:35 p.m.

Item # 3.0

Pre-Final Plat Approval:

Comanche Peak Subdivision

9.99 Ac. of the N. 10 Ac. of Lot 35-4,

West Addition to Sharyland Subd.

Suburban ETJ

Developer: Roberto Castillo

Engineer: Quintanilla, Headly & Assoc.

Mr. Salinas went over the write up stating that this 38 lot plat is located approximately $\frac{3}{4}$ of a mile north of Mile 3 along the west side of Trospen Road. All lots exceed the City's minimum R-1 standard sizes. (Note: R-1 min. is 6,000 sq. ft. inner lots and 7,000 sq. ft. corner lots; the proposed lots range from 8,259.92 sq. ft. to 8,806.25 sq. ft. (inner) & 17,249.50 sq. ft. (corner) lots. Sec. 98-134 of the Subdivision Code states: "...a cul-de-sac shall not exceed 600' in length, ... and shall provide access directly or indirectly to no more than 25 dwelling units in residential areas..." The applicant is requesting a variance to have a cul-de-sac longer than 600' in length and to provide access to more than 25 dwellings units. The subdivision is proposing a 50' ROW, 32' B-B paved street with a knuckle roundabout similar to Riverside Estates whose single (private) street was 1500' but had a mid-turnaround knuckle and 32 residential lots. The knuckle roundabout provides a turnaround for emergency vehicles and has been used before to alleviate concerns regarding length and number of lots on a cul-de-sac. Being surrounded with existing irrigation canal ROWs and subdivisions without outlets to connect to, stubbing a street was not an alternative.

The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing new 8" lines to connect into an existing 6" waterline network along Troser Road. The Fire marshal is requiring 3 fire hydrants to be escrowed for a total of \$9,000. Hydrants to be placed between Lots 15-16, 7-8. & and at the SE corner of Lot 1. We are also requiring the developer to escrow a future waterloop to the south along the west side of Lot 20 (estimated cost to be approved by the City Engineer).

The developer is proposing to extend an existing 8" sanitary sewer line northward along Troser and leaving a stub out for future connection by others. A new 8" line will then be installed into the subdivision to serve all lots. The capital sewer recovery fee of \$750/lot (for County lots) x 38 lots equates to \$28,500.

The subdivision is adjacent to Troser Road, in which 40' of ROW is required from centerline as per MPO Transportation Plan. Also, the developer must provide the escrow for the widening of Troser Road, which comes out to \$19,156.93 (342.70' x \$55.90/l.f.). No residential access will be allowed from Lots 1 and 38. Storm drainage is accomplished through the installation of 2 sets of inlets that will connect to an existing 30" R.C.P. that will outfall into Hidalgo Drainage District #1's ditch (extension). As a side note, we had met with Godfrey Garza of HCDD #1 during the development of Palomar Subdivision (350' south) where there was an issue regarding ponding at the connection of the drainage line to the existing HCDD #1 ditch. At that April 2010 meeting, Mr. Garza agreed to excavate/maintain the ditch to provide positive flows of the subdivisions, including Comanche Peak. As of this write-up, the ditch has yet to be excavated. A letter has been sent to remind Mr. Garza of what had been agreed upon at that meeting.

Other Comments include:

- Comply with Model Subdivision Rules;
- Dedication of Water Rights;
- Install/Escrow 5' sidewalks along Troser Road, If escrowed - \$3,512.40 (292.70' x \$12.00);
- Provide drainage reimbursement in the amount of \$40,753.61 (\$4,079.44/ac. x 9.99 ac.);
- Provide a street lighting plan for review and install/escrow street lighting as approved.

Staff recommends approval of the plat subject to: **1)** approve variance to allow a cul-de-sac more than 600' in length and serving more than 25 dwelling units; **2)** Comply with the comments listed above, **3)** provide capital sewer recovery fee; **4)** provide escrow for Troser Road widening, fire hydrants, sidewalks along Troser Road, and water line loop; **5)** provide street lighting plan and install/escrow as approved by staff, and **6)** impose drainage reimbursement to area developer.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats stated that he would like to add another recommendation which would be #7 to read "Approval by HDDD#1", completion of the maintenance in the ditch, and that this subdivision not go forward until such maintenance is completed.

Mrs. Marin asked Mr. Zavala why Diamond 'L' Subdivision didn't have the turnaround requirement.

Mr. Zavala stated that his subdivision was not even on the City of Mission's ETJ at that time it was recorded; therefore it was approved pursuant to County Codes.

Mrs. Marin asked if Lots 1 & 38 would be able to exit to the inner street.

Mr. Salinas stated that residential access would not be allowed if the lots were commercial they would need to go to the County for permission.

Mrs. Marin asked how was the drainage system assessed with two subdivisions above it and then go through another subdivision to really make that drainage effective.

Mr. Zavala advised the Board that the subdivision that was recorded last year had tied an oversized storm sewer line to the existing drain ditch.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the subdivision plat as recommended by staff including the HCDD#1 approval of the drainage plan and maintenance of the open drain ditch prior to getting the subdivision recorded. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:36 p.m.

Item # 3.1

Pre-Final Plat Approval:

Las Fuentes Acres Subdivision

4.0 acres, Lot 37, New Caledonia #3

Suburban ETJ

Developer: Abelardo Gonzalez

Engineer: Salinas Engineering & Assoc.

Mr. Salinas advised P&Z that the Engineer has asked if the item could be placed on the 'Table' since he was not able to attend the meeting.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to 'Table' the item as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:10 p.m.

Ended: 5:34 p.m.

Item # 4.0

**Tabled Conditional Use Permit: Home Occupation – "Construction Office"
1210 Elm St.
Lot 6, Block 4, Pecan Heights Subdivision
R-1
Life of Use
Edward De La Tejera**

Since the applicant was not able to get all the signatures required for the 90% staff requests that No action be taken on the item and for it to remain on the 'Table'.

3.0 ADJOURNMENT

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

Ned Sheats, Chairman
Planning and Zoning Commission