

**PLANNING AND ZONING COMMISSION
JANUARY 26, 2011
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Luann Caudle
Marisela Marin

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Irasema Dimas

GUESTS PRESENT

Carl Hamilton
Lucia Zarazua
Paula B. Flores
Jeff Underwood
Irma Mecaloo
Juan Garza
Raul Garcia Jr.
Julio C. Gonzalez
Adiel Garcia
Ismena Garcia
Aaron Balli
Marcos Diaz
David Salinas
Julio Cesar Gonzalez
Ben Macias
Nancy L. Vasquez

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR JANUARY 5, 2011

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Vela moved to approve the minutes of January 5, 2011 as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:09 p.m.

Item# 1.1

Rezoning:

0.087 ac. (20' X 190.31') of abandoned Canal ROW lying west and adjacent to Lot 1 Sharyland Orchards; and a 0.15 ac. (75' x 85') of abandoned Canal ROW lying north and adjacent to Lot 1, Sharyland Orchards

**AO-I to R-1A
Julio Cesar Gonzalez**

Mr. Salinas went over the write up stating that the subject site is located on the NE area of Hoerner Road and School Lane. The portions being rezoned were previously part of UID's canal ROW, which has since been abandoned and now owned by the applicant.

It's been called to staff's attention that not all of the abandoned canal ROW that is owned by Mr. Gonzalez was included in the City's Public Notice...this was an inadvertent error by city staff; that portion will be on the P&Z's next agenda (Feb. 9th) is a 20' x 150' tract that staff will obviously recommend for R-1A rezoning.

The surrounding zonings include Agricultural Open Interim (AO-I) to the north and west; and Large Lot Single Family (R-1A) to the east and south. The surrounding land uses consist of a residence to the east; UID Canal ROW on the north and west; and open acreage to the south. The subject site is currently open.

The Future Land Use Map reflects a Lower Density (LDA) designation for this area consistent to the desired R-1A rezoning. 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 to the R-1A zone request.

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

Mr. Carl Hamilton stated that he owns Lot 37, immediately to the west of the proposed property. He mentioned that he was not so much in opposition but he was concerned because there was no metes and bounds description for the property in question.

Mr. Zavala stated that there were different ways to describe a property and this was one of them.

Mr. Hamilton asked if there was a way the rezoning could be linked to the survey showing that Tract #4 was the property being rezoned.

Chairman Sheats replied that staff would make a note of that.

Mrs. Lucia Zarazua from 1216 Ragland and her mother Mrs. Paula B. Flores from 1218 Ragland wanted to know if they were going to build a house.

Mr. Salinas replied that it wouldn't be a house, but a guest home with an outside kitchen. He also stated that what the board was considering at this point was only the rezoning.

Chairman Sheats asked if the applicant or representative was present.

Mr. Julio Cesar Gonzalez was present to answer any questions from the board.

There being none, Chairman Sheats entertained a motion. Mr. Garza moved to approve the R-1A zone request. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:19 p.m.

Item# 1.2

**Conditional Use Permit: Guest House on Residential Property
2201 School Lane
W. 85' of Lot 1, Sharyland Orchards
Subdivision together with a portion
of 80' X 150' abandoned UID ROW
R-1A (Proposed)
Life of Use
Julio Cesar Gonzalez**

Mr. Salinas briefed over the write-up stating that the conditions of the CUP require:

- That the lot be a minimum of 12,000 sq.ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive compensation for the use of the above.
- Proposal must be clearly secondary to the primary residence
- Shall not have individual access to a public street.

The proposed structure is 1,751 sq.ft., which includes 1 bedroom, 2 bathrooms, a 2 car garage, a game room, and an outdoor "open" kitchen area for open-air BBQ's, plus other outdoor family events. All building setbacks are met. A new driveway will extend from the existing driveway to provide access to the 2 additional garage spaces. The guest home must be connected to the same water and electrical meters, i.e., no separate utilities.

Staff recommended approval subject to: **1)** no separate utility and electrical connections, **2)** transferability to other future owners imposing the same conditions imposed to this applicant as recorded via separate instrument in the County of Hidalgo's deed records, and **3)** not to be used for rental purposes.

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

Mr. Carl Hamilton asked if staff could clarify the dimensions of the property.

Mr. Salinas replied that the west 85' of Lot 1 was the remnant of the original tract of Lot 1, Sharyland Orchards, since part of it was re-subdivided.

Mr. Hamilton also asked if there was a way to assure that the guesthouse would be built in the remnant of Lot 1 and not on the canal ROW. He also stated that he was afraid that the guesthouse would be converted into a permanent residence.

Mr. Zavala replied that it could be added to the motion.

Chairman Sheats asked if the applicant or representative were present.

Mr. Julio Cesar Gonzalez was present to answer any questions from the board.

Chairman Sheats asked Mr. Gonzalez if he could assure that the guesthouse would not be used as a rental or permanent residence.

Mr. Gonzalez replied that it would only be used as a guest home.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff and to be in the remnant of Lot 1. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:19 p.m.

Ended: 5:25 p.m.

Item# 1.3

Conditional Use Permit:

**Dancehall/Events Center with BYOB
on-site consumption of alcohol
1608 E. Griffin Parkway
Lot 13, Stewart Village Subdivision Ph. I
C-3
Life of Use
Aaron Balli**

Mr. Salinas briefed over the write-up stating that the subject site is located within the Stewart Village Commercial Plaza on the SE area of Stewart and Griffin Parkway. The proposed "*open concept*" reception venue consists of a covered area and patio equating to 4,846' sq.ft. There will be two 12' masonry walls located adjacent to the open areas and additional landscaping along the interior of these walls to block any noise emanating from the main cover area. No alcohol will be sold on the premises, however attendees may bring their own alcoholic beverages.

- **Days/Hours of Operation:** The dancehall will predominantly operate from Thursday through Sunday, from 12:00 p.m. to 12:00 a.m. (range)
- **Staff:** 6-8 employees
- **Parking Requirements:** Code requires 1 space for every 3 seats or 1 space for every 75 sq.ft., whichever is greater: $4846 \text{ sq.ft.} / 75 = 65$ **parking spaces**. It is noted that the parking area is held in common (**517 existing parking spaces**) and is shared with other businesses.
- Section 1.56-3 cites that "*dancehalls*" must be 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within this radius; thus a waiver of the separation requirement needs consideration.

When the concept was presented to staff, the primary focus of concern was 'noise'. If the noise/music level could be regulated at all times where the residents to the south would not be disrupted, then the concept evolves into a valid one. We've discussed this concern with Mr. Balli and having the acoustics is foremost towards the acclimation of this reception venue near the residences.

Staff recommended approval subject to a 1 year re-evaluation to assess this new business, but staff to provide a report to P&Z every 4 months of any PD calls (if any); the acquisition of a business license, and the 300' waiver separation requirement from residential areas.

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

Mr. Ricardo Mecaloo from 1602 Toni Lane asked if the parking on the alley was going to be used.

Mr. Zavala replied that there wouldn't be any parking on the south; all the parking would be on the front of the property.

Chairman Sheats asked if the applicant or representative were present.

Mr. Aaron Balli was present to answer any questions from the board; he also stated that he would make sure that all noise levels would be maintained. He mentioned that he was trying to make the area more attractive and that was the reason why he was proposing this type of dancehall.

Chairman Sheats mentioned to Mr. Balli that if there were any complaints against the establishment due to noise the request would be brought back to P&Z for re-evaluation.

Mr. Balli replied that he was willing to do everything possible to make sure that this establishment complies with the requirements.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff including the 300' waiver separation requirement from residential areas. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:29 p.m.

Item # 1.4

**Conditional Use Permit: Cake Shop on an AO-I zone property
3522 N. Stewart Road
Lot 1, Countryside Subdivision
AO-I
Life of Use
Nancy L. Vasquez**

Mr. Salinas went over the write up stating that the site is approximately ½ mile north of Mile 2 along the east side of Stewart Road and is zoned AO-I. AO-I's conditional uses include 'other uses determined by P&Z that are not contrary' to R-1. Having a small baking service within a legal grandfathered building is not objected to since the building exists and is not being expanded. The applicant wishes to open a cake shop within an existing floor covering business warehouse. The applicant will remodel an existing outdoor kitchen and install the necessary equipment in order to start her business. Access is provided through an existing 20' concrete driveway that leads to the existing parking lot for the floor-covering warehouse. According to the applicant, the large majority of her business is via internet and by referral, i.e. customers call in orders and the cakes will be delivered to the desired locations. However, there may be rare occasions where walk-in traffic may occur.

- **Days/Hours of Operation:** Monday – Saturday from 8:00 a.m. to 7:00 p.m.
- **Staff:** Only the applicant will be running the shop.
- No signage is being proposed at this time; however a maximum 4' X 4' sign may be affixed to the building at some point in the future. Since the building is 128' from Stewart Road, staff would have no objection to the installation of such a sign.
- Approval from both the Fire and Health Departments will be required prior to acquiring a business license.

Again, the pre-existing building will not be expanded, and the bakery use is seen as a minor service typically done by phone, etc., where no customers will be coming over.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** no objection if a 4' X 4' sign affixed to the building, and **3)** acquiring 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.

Mrs. Nancy L. Vasquez was present to answer any questions from the board. She also stated that she was asking for the CUP because she wanted to be in compliance to the City's codes.

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

Started: 5:29 p.m.

Ended: 5:32 p.m.

Item # 1.5

Conditional Use Permit:

**Drive-Thru Service Window for Walgreens
Lot 2,
Lorrain T. & Georgia E. Brown Subd.
(Unrecorded)
C-3
Life of Use
Shamrock Adventure LXXXII, Ltd.**

Mr. Salinas went over the write up stating that the subject site is located on the NW corner of Conway and Expressway 83. The applicant is proposing to build a new \$1.2 Million Walgreens with a two-lane drive thru service window to be located on the north side of the proposed building. The two lanes provide enough stacking for 6 vehicles for 12 vehicles total. Access to the site will be provided from a 30' driveway on Expressway 83 and two 35' driveways off of North Street.

- **Days/Hours of Operation:** Every day from 8:00 a.m. to 10:00 p.m.
- **Staff:** 18 to 22 employees
- **Parking:** The building measures 114' x 130' for a total of 14,820 sq.ft. The number of parking spaces required for this size building is 40. The applicant is providing 67 leaving a surplus of 27 spaces.
- **Landscaping:** The applicant is providing 12% landscaping including various shade trees, plants and shrubs.
- City Engineer to ensure that the proper drainage calculations are being met as per the plat prior to permit issuance.

- Comply with the City's Sign Ordinance. (Changeable copy sign, etc.)
- A business license is required prior to occupancy.

With more than enough paved parking, and their drive-thru lanes having generous stacking where 'headlights' are not disruptive to residents, Staff recommended approval subject to compliance with landscaping, sign codes, acquiring a business license, and being transferable 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's representative Mr. Ben Macias was present to answer any questions from the board.

Chairman Sheats asked if they were in agreement with all the requirements.

Mr. Macias replied that they were willing to comply with all the requirements.

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.

Mr. Zavala asked the Chairman if they could asked the audience if there was anybody present for the Public Zone item, and if there wasn't anybody if they could skip it until the end of the meeting.

Chairman Sheats asked if there was anybody present for the Public Zone item.

There was no response; therefore, Item #1.6 was skipped until the end of the meeting.

Started: 6:11 p.m.

Ended: 6:15 p.m.

Item # 1.6

Discussion on Establishing a Public Zone in Mission's Zoning Hierarchy

Chairman Sheats asked Mr. Zavala if he could summarize the item due to time because some of the Board members had previous engagements. He also asked if there were any changes done after the workshop in December.

Mr. Zavala mentioned that the only changes done were the ones that Chairman Sheats mentioned about the canal ROW's and to include the additional conditional uses permitted under the public zone.

Mr. Zavala stated that last year, the City Council gave a favorable consensus to Staff to proceed in establishing a '**Public Zone**' within our zoning hierarchy. As disclosed at our workshop in December, '**Institutional**' uses are currently noted (directly or indirectly) in 13 of the 15 zones to be either **1**) conditional uses, **2**) permitted uses, or **3**) permitted uses subject to site plan approval.

The end-effect of the City Council's direction was simple – **'the Public land use to match the zone/have the zone match the Public land use'**.

An example of this was focused on a few months ago when SISD desired to build an '**Institutional**' building at the SW corner of Taylor/Sunset. If I may call your attention to **ATTACHMENT A1**, the zoning is currently Large Lot Single Family Residential (R-1A) **BUT ATTACHMENT A2** shows that the FLUM designation is '**Public**' thus appearing to be a mismatch.

In **ATTACHMENT A**, Staff has taken the liberty of showing what a new '**Public Zone**' would do to this same area once land use/zoning reconciliation occurs.

In reviewing various other City's Zoning Ordinances, not one city had a '**Public Zone**' within their codes to assess. They, like Mission's current codes, include 'institutional' uses amongst other residential/commercial zoning districts.

To commence, Section 1.2 #29 of our Zoning Code cites the **existing definition**:

Institution: A nonprofit organization or building, public or private for the benefit of the public, or educational facilities, churches, temples, hospitals, clubs, fire stations, police stations, libraries, museums, city offices, etc.

In perceiving, the Council's direction that **'the Public land use reflect the zone/the zone reflect the Public land use'**, the above regulation should be amended as follows:

"...museums, city offices, public parks, public parking lots, drainage ponds larger than 1-acre (smaller ponds may be permitted in all other zoning districts), water tower sites, etc ., but not to include minor public utility properties such as lift stations sites, or regional drain ditches or current canal systems."

With this amendment, the city's public parks that are currently residentially or agriculturally zoned can also be swept into the stream of compliance. The amendment will also make *common sense* justification to keep the current Res/Com zones of minor public facilities (such as lift stations); thus not '*needing*' to rezone small tracts to the new Public Zone.

On drainage ponds larger than 1 acre, the neighborhood's input will be respectively solicited during the required public hearing process that rezoning typically entails, and, at the very least, the surrounding property owners will be educated on the engineering analysis for such a proposed storm improvement in their area.

A bit of historical perspective is warranted that relates to an incidental amendment during this process. In the late 1980's, the City Council approved what is now **Sect. 1.27** of the Zoning Code dubbed '***Institutional Use Processing***'. Prior to this amendment, Institutional uses were a conditional use in all residential zoning districts.

Thus, for example, when MCISD came in for permits to move-in portable classrooms to Mission High School, they would need to apply for a CUP every time. Having numerous public hearings on such a well-known campus with hundreds of mailed notices to have a 'portable classroom building' only caused confusion & defeated the intent of the CUP process.

Thus, the code was amended to '*permit Institutional uses*' in R-zoning districts subject to P&Z's Site Plan Approval being Sect. 1.27 (refer to **ATTACHMENT B**).

With this new Public Zone, '*institutional*' uses will be permitted from R-zones; thus, Sect. 1.27 must be deleted since 1.27 reflects the process to 'permit institutional uses in R-zones'. This deletion has been reflected in the attached draft ordinance.

The primary component of this process is to assess '*how institutional is factored-in to our different zones.*' Again, 13 of the 15 zones (excluding PUD zoning) consider '**Institutional**' uses as either **1)** permitted, **2)** conditional, or **3)** permitted with P&Z's Site Plan Approval.

In the attached chart, Planning has included the '**Zone**', the '**Section**', and the '**Comment/Change**'... the latter being the highlight of our analysis on what should be done (or not) to amend the zoning ordinance to meet the Council's primary objective. Please refer to **ATTACHMENT C**.

The attached draft of the Public Zone Ordinance has been developed with the '**Comment/Change**' incorporated throughout the affected zoning categories; thus, said 'Comments/Change' actually summarizes the draft ordinance.

To reiterate, this is being presented pursuant to the City Council's primary objective to have **'the Public Land use reflect the zone/have the zone reflect the Public land use'**.

We did have a workshop on the draft and have the following minor changes:

1. Definition of 'Institutional' has been amended to exempt regional drain ditches such as the Mission Lateral, and the elongated canal systems from needing rezoning to the Public Zone;
2. The Ordinance now includes additional 'public' uses that should be deemed 'conditional' even if zoned Public, e.g., jails, and mental health facilities.

Mr. Zavala asked Chairman Sheats to ask for public input, since it was a public hearing item.

Chairman Sheats asked if there was any public input for the item.

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the adoption of the new Public Zone. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:37 p.m.

Item # 2.0

Site Plan Approval:

**Construction of 6 Apartments
Lot 12, Fairway Oaks Subdivision
PUD
Adiel Garcia**

Mr. Salinas went over the write up stating that the subject site is located approximately 450' east of River Bend Drive along the north side of Oasis Drive. The applicant is proposing to build 1 single story complex containing 4 two bedroom apartments and 2 three bedroom apartments for a total area of 5,019 sq.ft., all divided by 1 hr. rated firewalls. The minimum required setbacks based on the subdivisions are: Front: 6', Rear: 15', Sides: 6'. All setbacks are being met.

The 6 units are calculated to require 12 parking spaces based on the 2:1 parking ratio. The lot is part of an existing private development, which shares 164 existing parking spaces.

The ten percent landscaping requirement is exceeded by 9% with a combination of trees and plants/shrubs. A minimum of 7-3" caliper shade trees are required to be planted within the landscape areas along the rear area of the lot.

OTHER COMMENTS:

- Payment of Capital Sewer Recovery Fee in the amount of \$760.00 (4 two bedroom apartments X \$120.00 = \$480.00 and 2 three bedroom apartments X \$140.00 = \$280.00)
- Payment of Park Fees in the amount of \$1,800.00 (\$300.00/apartment)
- Parking needs to be re-stripped
- There is an existing fire hydrant on the Lot's frontage.

Staff recommended approval subject to: **1)** pay capital sewer recovery and park fees, **2)** provide 7-3" caliper shade trees, and **3)** re-stripe parking lot (frontage).

Chairman Sheats asked if the applicant or representative were present.

Mrs. Ismena Garcia, Mr. Adiel Garcia's, wife stated that they were willing to comply with all the requirements.

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

Started: 5:37 p.m.

Ended: 5:39 p.m.

Item # 3.0

Single Lot Variance:

**A .97 ac. tract of land being the west 85' of Lot 1, Sharyland Orchards and a .31ac tract of land of abandoned UID Canal ROW north and west of Lot 1, Sharyland Orchards Subdivision
R-1A (Proposed)
Julio Cesar Gonzalez**

Mr. Salinas went over the write up stating that the property is located in the NE area of Hoerner Road and School Lane. The property measures 105' X 415.31' (save a 20' X 75' area out of the NW corner of the tract).

There is an existing 8" waterline along School Lane. There is also an existing fire hydrant along School Lane approximately 90' to the east of the subject site. No additional hydrants are required. There is an existing 12" sanitary sewer line running along School Lane, which currently serves this property.

The property has frontage along School Lane, a future 60' ROW/43' B/B paved street. An additional 10' of ROW is required in order to meet the City's Transportation Plan. The cost to widen School Lane is also required to be escrowed at \$25.26 per linear foot, which equates to \$3,712.65 (\$35.36 X 105 l.f.). There is an existing streetlight located near the SE corner of the subject site, thus no new street light required.

Since there is an existing home on the property, Park Fees will not be imposed. Since they are also connected to sewer, the Capital Sewer Recovery Fee will not be imposed. Escrow 5' sidewalks - \$12.00/l.f. X 85' (105' -20' d-way) = \$1,020.00. Provide proof of exclusion from the Water District.

Staff recommended approval subject to: **1)** dedication of 10' additional ROW along School Lane, **2)** escrow 5' sidewalks and street widening costs along School Lane, and **3)** provide proof of exclusion from the water district.

Chairman Sheats asked if the applicant or representative were present.

Mr. Julio Cesar Gonzalez was present to answer any questions from the board.

Chairman Sheats asked if he was in agreement with all the requirements.

Mr. Gonzalez replied that he was willing to comply with all the requirements.

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

Started: 5:39 p.m.

Ended: 5:43 p.m.

Item # 4.0

Pre-Final Plat Approval:

Granada Subdivision

20.29 Ac. out of Lots 92 7 102,

John H. Shary Subdivision

PUD

Developer: Hunt Valley Dev. I, LLC

Engineer: Half Associates

Mr. Salinas went over the write up stating that proposed subdivision is at the NW corner of Glasscock Road and Los Indios Parkway. The proposed subdivision consists of 65 SF Residential lots. The lot sizing ranges from 8,605 sq.ft. to 15,836 sq.ft. These lots are consistent with the PUD's land use designation profile.

An internal 8" waterline system will provide service to all lots with 5 hydrants located via direction from the Fire Marshal's office. The system will be looped by connecting the internal 8" lines to existing 8" and 12" lines at various locations (northwest/southwest corners, the intersection at Los Indios, and between Lots 11 & 12).

An internal 8" sewer system will provide service as it ties to the existing 15" sewer network along the west side of Glasscock Road. The capital sewer recovery fee will be imposed to the residential lots, \$200.00/lot X 65 lots = \$13,000.00.

The developer is proposing the extension of Grand Canal Drive, a 60' ROW/43' B-B residential collector street located on the subdivision's west side, that will connect to Los Indios Parkway. The extension will provide one of two points of access into the proposed subdivision, with the other access being off of Los Indios Parkway. No additional ROW dedication is required along Glasscock or Los Indios. There are five internal 50' ROW/32' B-B streets with additional 15' U.E., thus exceeding our minimum standards. Their proposed median also exceeds our standards, providing parallel driving lanes greater than 16'. Storm drainage is accomplished through a series of 24" & 30" storm lines which will connect into Hunt's regional drainage ditch system currently located on the north and west side of the subdivision. There is also a proposed 8' X 8' R.C.P. box crossing the extension of Grand Canal Drive.

In other comments, street names to comply with street alignment policy, comply with all format findings, water rights dedication via Hunt-City policy, and comply with Park Fees Dedication Ordinance. Staff recommended approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jeff Underwood from Hunt Development stated that they were willing to comply with all the requirements.

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

Started: 5:43 p.m.

Ended: 5:51 p.m.

Item # 4.1

Pre-Final Plat Approval:

Khit Subdivision

5.89 Ac. out of Lot 30-8,

West Addition to Sharyland Subdivision

AO-I

Developer: Alejandra Khit

Engineer: Garza & Garza Engineering

Mr. Salinas went over the write up stating that the 1 lot subdivision is located ¼ of a mile east of Conway (SH 107) along both Turista and Victory Lane. This single lot is zoned AO-I and exceeds the minimum 1 acre area requirement for AO-I lots; the owner's agent stated that they'd like to keep the AO-I zone to perhaps have the family horse within a containment area. As seen in the vicinity map, this tract is located at the easternmost end of both Turista and Victory Lanes.

The developer is requesting a variance to not front a recorded public street ROW. The Subdivision Code requires that all lots should have access to a publicly dedicated street; however since the numerous residential tracts to the west were sold by metes and bounds, these streets were not officially dedicated as 'public' streets via the typical subdivision plat process. The access roads have been in existence for decades, and there are existing public utilities within them (inclusive of city water lines). These access roads have evolved into prescriptive *public* streets in effect. With this in mind, staff does not object to this **technical** variance request of *'not fronting a recorded public street ROW'*.

The developer is also requesting not to connect both Turista and Victory Lane. 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..."*. Also, typical subdivision codes provide for streets stubbing for further extension by others, which *is the effect of both Turista and Victory Lane*. The two streets currently do not have fully dedicated cul-de-sacs but are 'stubbed'.

The developer is proposing a cul-de-sac **only** along Victory. Notice that both Victory and Turista streets are exceedingly over the minimum 600' typical for cul-de-sacs (1230'). **Staff strongly recommends that both streets be linked by an intervening street (w/reduced ROW profile) to comply with minimum street codes.** The installation of a street connecting both Victory and Turista would help internal residential & emergency vehicle traffic; it would also perpetually upgrade the quality of life of this recently annexed area.

There is an existing water meter serving this site. The developer is also extending an 8" waterline between the two streets providing a loop for the two existing waterlines. The developer is proposing a fire hydrant along Victory Lane via the direction of the Fire Marshal.

The developer is proposing to tap into an existing 12" sanitary sewer line along the west side of the subject site to provide service to the lot. The capital sewer recovery fee of \$200.00 for 1 lot will be imposed.

In other comments: must comply with Model Subdivision Rules; provide a park fee in the amount of \$300.00; dedication of water rights; must provide a plat note requiring the sidewalks to be determined at some future point by the City of Mission (recall that there are no sidewalks anywhere along the 1230' stretch from Conway from either Victory or Turista); and provide a street lighting plan for review and install/escrow street lighting as approved. Staff recommended denial as proposed; must provide street interconnect to meet minimum codes.

Chairman Sheats asked if the applicant or representative were present.

Mr. Juan Garza, the project engineer stated that the owner was asking for a variance not to connect both streets because this was a private subdivision. He stated that they have agreed to connect the 8" waterline from the north all the way to the south. He also stated that the property currently has an existing water meter.

Chairman Sheats stated that the problem was not the waterline but the connection of the two streets. Chairman Sheats stated that the whole intent of connecting both streets was for safety and emergency purposes and felt that the street connection was necessary; therefore he was against the variance.

Mr. Flores stated that he felt the same way as the Chairman on the street variance issue.

After a brief discussion, Chairman Sheats entertained a motion. Mr. Flores moved to deny the plat as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 6:11 p.m.

Item # 4.2

Tabled

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.

Chairman Sheats entertained a motion to remove the item from the "Table". Mr. Garza moved to remove the item from the "Table". Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salinas went over the write up stating that the 4-acre tract is at the SE juncture of what would be 4 Mile Road/La Homa Road where part of (a future) 4 Mile Road would be along the entire northern frontage of these 4 acres. The 2-lot

subdivision DOES NOT SHOW the dedication of the required ½ of 4 Mile Road's ROW via the County of Hidalgo's MPO Thoroughfare Plan.

The City of Mission has tried to be consistent to the integrity of the MPO Thoroughfare Map especially since Mission's city limits are slowly extending in a northwesterly direction wherein this plat lies at a strategic juncture.

Some of Mission's history of accommodating a future E-W thoroughfare is shown on the attached exhibit. (NOTE: 80' ROW profiles were done prior to the City's adoption of the MPO Thoroughfare Plan).

Since the City of Mission has imposed the ROW dedication on 4 Mile Road to others, (even across the street), Staff must recommend that we continue this requirement on this plat **so that an efficient E-W traffic circulation system will ultimately be realized to benefit future area residents, commerce, schools, & emergency responding entities.**

It seems that 4 Mile Road is not desired based on cost and/or perhaps because the developer just doesn't want it; their variance does not disclose justification.

On other matters, the plat's dedication of required ROW on La Homa is compliant to MPO Thoroughfare codes with both lots exceeding the county's minimum ½ acre lot requirement. It is indicated in Plat Note #3, *"All lots shall be for commercial use only"*; page 2 mentions a *"convenience store"*.

Both lots will have water service via the existing 8" waterline; and will tie into the city's 12" sewer line (NOTE: require capital sewer service recovery fee of \$2850/commercial acre). On storm, the drainage will be accomplished via drainage swales; the HCDD#1 has approved it.

Staff's recommendation was for **Denial-Must dedicate ROW for 4 Mile Road** (min. 40' ROW with abutting 10' public utility easements) **plus** meet other format findings including changing the name of the plat since Mission has 'Las Fuentes Subdivision' (NOTE: see cover of Drainage report still citing *'La Fuente Subdivision'* but the plat shown as *'La Fuente Acres'*); also, must escrow 1 hydrant for future installation; amend plat note # 14 to secure mandatory 5' sidewalks along La Homa **and** 4 Mile Road especially since commercial centers are proposed via plat note #3; and amend plat note #11 to prep to likely interlock (future) parking lots at the building permit stage with maneuvering lanes required to not be impeded.

Chairman Sheats asked if the applicant or representative were present.

Mr. David Salinas, the project engineer stated that the reason why he didn't show the dedication of 4 Mile Road was because the MPO Thoroughfare map didn't

show the connection between La Homa Road and Schuerbach Road; otherwise, he would have shown the dedication.

Mr. Zavala commented that Mr. Salinas was right, the MPO map in the HCMPO website didn't show the 4 Mile ROW, but the city's map did. He stated that he had e-mailed HCMPO in reference to this changed that was done without the city's approval, wanting to know when it took place and who did it.

After a brief discussion in reference to the 4 Mile ROW dedications, Mr. Zavala stated that in order to be fair with the applicant the board should consider to 'Table' the item in order to have staff get with HCMPO and have a resolution for this issue.

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

Mr. Zavala asked the board members to go back to Item #1.6.

5.0 ADJOURNMENT

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

Ned Sheats, Chairman
Planning and Zoning Commission