

**PLANNING AND ZONING COMMISSION
FEBRUARY 9, 2011
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Luann Caudle
Carlos Lopez
Jose G. Vela

P&Z ABSENT

Marisela Marin
Rene Flores
Mario Garza

STAFF PRESENT

Bobby Salinas
Roberto Salinas
Patricio Martinez
Susana De Luna

GUESTS PRESENT

Ruby C. Madrigal
Ricardo Madrigal
Reymundo Ramirez
Piri Gomez
Jose Dario Garcia
Andes Boesch
Javier Hinojosa, P.E.
Gilbert Gracia
Edgar Martinez
Dora Guevara
Imelda Sanchez
Aniceto Izaguirre

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

Mrs. Dora Guevara stated that she has a daycare business at 714 E. Griffin Parkway (intersection of Mayberry/FM 495). She had a concern regarding a house next to her business which was full of cats, fleas and nothing has been done about it. She mentioned that the house was old, dilapidated and asked the Board for help regarding this issue.

Chairman Sheats stated that Mr. Salinas would be able to direct her to the proper department to get help regarding this matter.

Mr. Salinas stated that in regards to the dilapidated house he would need to send Code Enforcement to make an assessment. If this house needs to be demolished staff would send a notice to the property owner and if they don't take care of it then it's routed to municipal court and it could be demolished by the city.

Mrs. Guevara stated that what if the termites were affecting her building.

Mr. Salinas stated that she would need to handle the termite issue with an exterminator.

Mrs. Guevara stated that she hired an exterminator but the old house was full of termites and at this point nothing she had done was helping her if nothing was been done to the old house.

Mr. Salinas stated that the only thing that could be done in regards to the insects/fleas/termites was that the property owner of that particular lot would have to take care of the extermination.

APPROVAL OF MINUTES FOR JANUARY 26, 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 26, 2011 as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:07 p.m.

Item# 1.1

**Rezoning: A 0.069 ac. tract (20' x 150') of
Abandoned Canal ROW lying west and
adjacent to Lot 1 Sharyland Orchards Subd.
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. P&Z may recall this property from the last P&Z meeting. Staff had mentioned that we had inadvertently excluded this tract and that we would bring the tract back for your approval. The portion being rezoned was previously part of UID's canal ROW, which had since been abandoned and now owned by the applicant. It is also known as Tract 2 on the survey done by Michael Fabian Surveying, Inc. (See Exhibit "A")

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, 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.

There was no response.

Chairman Sheats asked if the applicant or representative was present.

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the R-1A zone request. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:11 p.m.

Item# 1.2

**Conditional Use Permit: Portable Building for the Sale
of Sno-Cones/Corn
200 E. Griffin Parkway
Lot 2, Walters Subdivision
C-3
Ruby C. Madrigal**

Mr. Salinas briefed over the write-up stating that the subject site is at the HEB; SE corner of Griffin Parkway/Conway where the existing driveway cuts to both perimeter thoroughfares will be used for access. Paved off-street parking exists, & will obviously suffice for this minor CUP. The specific placement of the structure will be at the east side of HEB's primary entranceway. In observing the site, such placement is not very visible from Griffin Parkway (approximately 350' away), nor from Conway (approx. 410' away). Regardless, the 6' x 12' structure will have **to acclimate to City Ordinance #3602 (10-25-10) that prohibits sheet metal buildings along major commercial corridors; thus, its front & side will have to be covered with a non-metal façade material.** Staff has counseled the applicant regarding this requirement and he will comply with the city ordinance. The proposed operation will be open every day, from 10:00 a.m. until 10:00 p.m. (which are well within HEB's hours of operation to allow use of their restrooms, when necessary). The staff that will be employed will be the applicant and her husband only. Existing fire hydrants suffice to provide this protective service, if necessary. Assessing the conditional use permit, staff does not object so long as Ordinance #3602 is complied with. Staff recommends approval subject to: 1) comply with Ordinance #3602, 2) comply with Health Dept. regulations such as health cards, etc., 3) secure a business license, 4) if necessary for a raised structure, skirt the portable building, and 5) 1 year re-evaluation after being operable to assess compliance.

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. Richard & Ruby C. Madrigal who resided at 2801 Highland Park Avenue in Mission were present to answer any questions from the board.

Chairman Sheats asked if there were in agreement with staff's recommendations.

Mr. Madrigal stated that they were in agreement with the recommendations.

Chairman Sheats stated that this was his favorite HEB store and did know that the particular traffic line across the front of the store would sometimes come to a halt for quite a long period of time. He suggested that they work on something to prevent traffic issues on someone getting a sno-cone and would like to include it as part of staff's recommendation.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the conditional use permit as recommended by staff including that something be done with the parking to keep the traffic flowing. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:21 p.m.

Item# 1.3

Conditional Use Permit: Place a 18' x 18' Portable Building for the Sale of Sno-Cones/Snacks w/dine-in feature 1723 W. Griffin Parkway 1.24 ac. tract out of Lot 24-1, West Addition to Sharyland C-3 Life of Use Dora Guevara

Mr. Salinas briefed over the write-up stating that the subject site is located 150' east of inspiration Road along the south side of Griffin Parkway. The site currently has Las Palmas Montessori daycare with all appropriate required sidewalks & landscaping. The applicant wishes to move-in an 18' x 18' portable building within the parking area near the existing masonry facility. The portable will meet the 40' front setback. Access to the site is through the existing 22' concrete driveway.

Based on the square footage of the existing daycare center and the proposed portable, a total of 21 parking spaces are required. The site currently has 17 parking spaces available. Since the portable would be on top of the existing handicap parking space, this HC space will be relocated to the east, plus have additional paved parking spaces to comply with City codes.

The dine-in portable will have a restroom. Also, the portable will have a stucco façade that will match the masonry building. If the portable is raised, skirting is recommended.

- Days/Hours of operation: Every day from 7 a.m. to 9 p.m.
- Staff: 2 employees
- A business license is required prior to occupancy
- Must meet the City's Sign Ordinance
- Requires the approval of the Health Department

The P&Z had approved a conditional use permit for a portable on this site some time ago but the owner didn't activate it. Since then, there have been 2 portable buildings in the near vicinity approved BUT those CUPs were either distant & obscured by trees to the 7-lane Griffin Parkway (NW Inspiration/Griffin Parkway), OR the portable was approved 'on a temporary basis' where, after 1 year, they'd be replaced with a site built structure (NE of this site; used car sales office). This THIRD PORTABLE BUILDING at this 'gateway' juncture of Griffin Parkway will seem to detract from Mission's corridor aesthetics – not enhance it – even if the 'portable' will have a masonry façade.

Staff recommended denial since this would be the 3rd portable in the immediate area. Staff then cited 2 options.

Option #1: if the applicant is receptive, relocate portable to the southern juncture of the paved parking; the portable would be less noticeable along this major street; if so, staff recommends approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) provide additional parking space(s) based on the requirements above, 3) approval by the Health Department, and 4) acquisition of a business license.

Option#2: withdraw portable building conditional use permit; have applicant build site-built structure.

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. Dora Guevara stated that she had applied for a portable building to sell sno-cones; it was not for storage. She mentioned that staff wanted her to move the structure to the back and she didn't understand why. She added that this was going to be a "new" portable for sno-cones. She asked if staff thought the economy was to "waste money" because to have her invest in this portable, and then next year have her built a permanent structure was just "not fair".

Mrs. Guevara stated that she was going to use new material, and not mix-match. She added that she was going to be selling sno-cones "like everybody else", and just didn't understand why staff wanted to move her back, especially when she has proven to the city for 12 years that the improvements and high quality of materials used in her existing site-built structure.

Mr. Salinas explained that the reason staff was recommending that the portable building be moved to a different location was because it would seem to detract from Mission's corridor aesthetics, and would be too visible.

Mrs. Guevara asked if she would be able to keep the structure at her proposed location for a longer period of time if she did something smaller.

Mr. Salinas stated that she would need to do a permanent structure in order to keep it at her proposed location, otherwise it really didn't matter if she reduced it or kept it at 18' x 18'.

Mrs. Guevara stated that in order to do a permanent structure she would have to invest "a lot of money", and to be near a house "infested with fleas and termites" would not be a very good idea. If she moved the portable to the back, nobody would buy anything. She concluded that she was going to build a permanent structure, but was going to closely monitor that the city did something about the house full of termites/cats/fleas because what they were doing to her was "not fair".

Upon P&Z inquiry, Mr. Salinas stated that Mrs. Guevara said she was going to do a site-built structure because she was not in agreement with staff's less visible location; thus, the conditional use permit would be voided.

Chairman Sheats stated that this would be the best thing for everyone since she has maintained her existing business and property in a good state.

Mr. Vela moved to approve the conditional use permit as long as she complies with staff's recommendations. Mrs. Caudle seconded the motion.

Mr. Salinas asked for P&Z clarification on whether the Board was approving option #1.

Chairman Sheats replied, "No, it was option#2 since she was going to do a site-built.

Mr. Salinas stated that then the Board needed to deny the conditional use permit as proposed by the applicant because she would not require a conditional use permit if she was building a permanent structure.

With the initiated motion and the second withdrawn, Chairman Sheats entertained a motion. Mr. Vela moved to deny the conditional use permit as recommended by

staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:29 p.m.

Item # 1.4

**Conditional Use Permit: To Have Temporary Inflatable Rentals
(Moon Jumps, etc.)
1401 N. Conway Avenue
Lots 7-10, Block 230, Mission Original Townsite
C-3
Shane Thrailkill**

Mr. Salinas went over the write up stating that the site is at the NW corner of Conway/ W. 14th Street. The site already has paved parking, and several structures with a buffering fence to the alley area. The (2+) driveways are all existing onto Conway & W. 14th Street. The proposal is to have inflated moon jumps, etc., near the alley where they will be sanitized via a process that is predominantly noise-free, i.e., they need to be inflated during this process. However, the inflatable item may be kept inflated on occasion to visually advertise its rental availability. The applicant's website is: www.jumpinparty.com Mr. Salinas added that the applicant had done a carport without the proper permit; therefore, permit procurement would be added to staff's recommendations.

The applicant will have access to the convenience store's restrooms. Not long ago, the City Council voiced a distaste for an inflatable advertising sign along one of Mission's major streets... in that vein of concern, Staff counseled the applicant to file this conditional use permit for the 'temporary inflated improvement' to assure his good-faith effort to comply with the Council's verbal direction via this public hearing process. One of the issues that we immediately discussed was a potential 'noise' issue with the adjoining residents (to the west of the alley) during such sanitizing; staff was assured that noise will be minimal to non-existent via their processes. Regardless, this new operation should have 1 year re-evaluation period if approved to assure compliance to commitments made to the City. Staff recommended approval subject to: 1) a 1 year re-evaluation period to closely monitor compliance and address any issues that may have arise, 2) secure a business license, 3) maintain owner's consent of restroom usage even if the convenience store is activated by others... if such consent is not assured, then the conditional use permit is voided & must vacate, and 4) acquire a building permit for the carport.

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. Salinas stated that the applicant had called and advised that he had to leave out of town on a family emergency, and would not be able to attend the meeting.

Mrs. Caudle asked if this was the same location P&Z had previously approved a drive-thru.

Mr. Salinas replied, "Yes".

Mrs. Caudle asked how this CUP would affect the drive-thru.

Mr. Salinas mentioned that the convenience store was closed at this time therefore there would be no effect.

Mrs. Caudle stated that she felt very uncomfortable with the part that he would be using his inflatable as advertisement.

Mr. Salinas stated that the applicant mentioned that he would clean the inflatable's and would allow them to dry maybe at that time he would have people stopping by.

Chairman Sheats shared Mrs. Caudle's concern regarding the applicant using the inflatable as advertisement when they are being cleaned. He added that he would feel more comfortable if the applicant cleaned them and put them away.

Mr. Salinas stated that he applicant did mention that he was not planning on keeping them up all day. They would be cleaned up, dried and then put away.

Chairman Sheats asked if they could include this as part of the recommendations.

Mr. Salinas replied, "Yes".

Mr. Vela asked if the convenience store was closed where were they going to use the restrooms.

Mr. Salinas stated that the applicant was given keys by the owner to access the restrooms in the convenience store.

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

Started: 5:29 p.m.

Ended: 5:33 p.m.

Item # 1.5

Conditional Use Permit: Sale & On-Site Consumption of Alcoholic

**Beverages – El Huachinango Restaurant
2120 E. Business 83
Lot 51, Sharyland Orchards Subdivision
C-4
Life of Use
Jose Dario Garcia**

Mr. Salinas went over the write up stating that the subject site is located at the SE corner of Ragland Road and Business 83. The applicant is proposing to open a new seafood restaurant at what was originally an existing bar and grill restaurant.

- Days/Hours of operation: Sunday – Thursday from 9:00 a.m. to 9:00 p.m.; Friday & Saturday from 9:00 a.m. to 11:00 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- Staff: 13 employees
- Parking: In reviewing the floor plan, there are 108 total seating spaces for the restaurant (including exterior seating to be used based on weather conditions), which require 36 parking spaces (108 total seating spaces/3 = 36 parking spaces). It is noted that 41 parking spaces are held in common with a former auto mechanic shop. Staff notes that if the other business wishes to open, they must provide additional parking - - there is substantial property to the southern rear to do this.

Staff's assessment is favorable; it had been approved previously for a restaurant and can be re-opened in like manner but must comply with our Noise Code since there is a retirement community nearby. Staff recommended approval subject to a 1 year re-evaluation with full compliance to the City Noise 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.

Mr. Jose Dario Garcia stated that he proposed to have a family restaurant that would only be selling wine and beer.

Mr. Sheats asked if he was receptive to staff's recommendations.

Mr. Garcia replied, "Yes".

Mr. Sheats mentioned that in the past and being that the property was adjacent to a mobile home park staff has had noise complaints coming from the patio.

Mr. Garcia stated that there would be no loud music on the outside patio unless someone requests to have some type of soft music like a guitar.

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

Started: 6:33 p.m.

Ended: 6:35 p.m.

Item # 1.6

**Conditional Use Permit Renewal: Home Occupation – Registered Home
Day Care
2811 Oblate Avenue
Lot 54, Pueblo Del Norte Ph. 2 Subd.
R-1
1 year Renewal
Imelda H. Sanchez**

Mr. Salinas went over the write up stating that the subject site is located at the knuckle roundabout of Oblate & 29th Street. Mr. Salinas asked the Board to review the February 24, 2010 minutes of this CUP's previous P&Z approval to assimilate its public hearing history and to enhance its CUP perspective. Mrs. Sanchez has had her CUP since June 29, 2000 and, for the past few years, has had annual renewals assessed due to the 9 p.m. pick-up hour in a residential area where the City desired to keep closer monitoring to assure that the residential neighborhood was not too disrupted by the business' traffic. As of this writing, Planning has not received any complaints of the late hour pick-up feature. (Note: the 9 p.m. pick-hr was desired due to some parents getting out of work later & who didn't have a viable day-care alternative). Briefly, the days/hours of operation are Monday – Sunday from 6 a.m. – 9 p.m. Mrs. Sanchez and 1 other person are the only 'staff'. The typical residential driveway has sufficed for the past 10 years without any need to expand it thus it remains satisfactory. In staff's assessment, the conditional use permit is compliant to City, DHS codes, and has not been disruptive to the residential area. Staff recommended approval subject to a 1 year re-evaluation, and continued compliance to the Zoning Code's Home Occupation regulations outlined in Section 1.56-1.

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. Imelda H. Sanchez was present to answer any questions from the board.

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

Started: 5:35 p.m.

Ended: 5:38 p.m.

Item # 1.7

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – “La Mansion Ballroom”
507 N. Conway
Lot 8, Blk. 92, Mission OTS Subdivision
C-3
Life of Use
Norma Cruz**

Mr. Salinas went over the write up stating that the subject site is located just off the NW corner of Conway and 5th Street. The site has been used as a Banquet & Conference Center for such activities as weddings, reunions, birthday parties, seminars, etc. This conditional use permit was originally approved on May 2002, and renewed on 2-24-10. The banquet hall is 3,700 sq. ft. of which 450 sq. ft. will be used as a dance area and 169 sq. ft. for the band or D.J. The second floor is composed of approximately 900 sq. ft. equating to a total of 4,600 sq. ft. The maximum occupancy established by the Fire Marshal is 50 people. The property is in Mission’s Central Business District (CBD); thus, codes exempt it from typical parking requirements for pre-existing commercial structures. For the most part, these events typically take place during evening hours from about 7:00 p.m. till 2:00 a.m. Such uses need to be 300’ from residential and Institutional (church) areas. Area residences are beyond 415’ and the church is over 500’ (measured along front lot lines via code). Police Chief Leo Longoria provided written attestation that, since its opening, NO ‘calls to respond’ have been received from this address. Staff recommended approval subject to a 1 year re-evaluation.

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. Norma Cruz was present to answer any questions from the board.

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

Started: 5:38 p.m.

Ended: 5:42 p.m.

Item # 2.0

**Pre-Final Plat Approval: Eduardo's No. 10 Subdivision
50.719 ac. tract being all of
Lots 67 & 68, Block 2, and a portion
of Lot 65 & 66, Block 3, La Home Ranch
Citrus Groves Unit No. 1
Rural ETJ
Developer: Aniceto Izaguirre
Engineer: Izaquirre Engineering Group. Inc.**

Mr. Salinas went over the write up stating that the property is located approximately $\frac{3}{4}$ mile south of Mile 7 (FM 492) along the east side of La Homa Road. The subdivision consists of 84 lots, where Lots 1 and 60 shall have the option of being used for commercial or multi-family purposes. The remaining lots shall be used for residential purposes.

Water: The water CCN belongs to SWSC. The developer is providing water by connecting to an existing 6" water line located along the west side of La Homa Road and extending a new 6" line west into the proposed subdivision. The City's Rural ETJ regulations do not require fire hydrants.

Sewer: Sanitary sewer service for this subdivision will be addressed by individual onsite sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical $\frac{1}{2}$ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (Note: Mission sewer is 2.23 miles away).

Street & Storm Drainage: The lots will be fronting 50" ROW B/B paved streets built to the County's construction specifications. The developer is connecting to two existing street stubs on the north and south, finally completing what was envisioned for those developments. This subdivision is also providing a street stub to the south (Las Mitras St.) for future developments. No residential access will be allowed from Lots 1 and 60 onto La Homa Road. Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines as shown on the HCDD#1 approved drainage report. Staff recommends approval subject to meeting the Model Subdivision Rules, complying with the street alignment policy and meeting any comments from the County Planning Department.

Chairman Sheats asked if the applicant or representative were present.

Mr. Aniceto Izaguirre was present to answer any questions from the board.

Chairman Sheats asked where did all the water finally end up.

Public Works Director Roberto Salinas stated that it would end up in La Homa Road.

Chairman Sheats asked where would La Homa drain to.

Mr. Salinas stated that since the property was located outside the city's ETJ the actual rainfall event was not going to affect any property inside our city limits basically the city goes by the County's regulations.

Chairman Sheats stated that it would probably go east or someplace else that would not end up in the Mission lateral.

Mr. Salinas replied, "Exactly". He added that it would go to the West Main Drain Ditch.

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

Started: 5:42 p.m.

Ended: 5:50 p.m.

Item # 2.1

Pre-Final Plat Approval:

School Lane Gardens Subdivision

A 9.74 acre tract of land out of Lot 214,

John H. Shary Subdivision

R-1A

Developer: Empire Home Developments, LLC

Engineer: Javier Hinojosa Engineering

Mr. Salinas went over the write up stating that proposed subdivision is located 350' west of Shary Rd. along the south side of School Ln.-**see vicinity map**. The subdivision consists of 28 R-1A lots with all lots complying to R-1A *area* requirements. To the perimeter west, there is a fairly substantial irrigation easement that should be incorporated into the western perimeter lots (with a plat note of '*no building over said irrigation easement*'); this will avert its perpetual maintenance (between Hoerner and Lots 7-10). Two minor variances are being sought:

VARIANCE #1 – Plat private streets with gated entry.

STAFF: No objection; have approved many successful others; meet private street policies.

VARIANCE #2 – R-1A **Inner** Lot widths = **75'**; R-1A **Corner** Lot widths = **80'**; Lots 2, 3, 4, 5, do not quite meet the inner 75' – corner 80' requirement.

STAFF: No objection; Lots 2, 3, 4, 5 **exceed** R-1A *area* requirements; being 2'-5' less than code are deemed minor variances.

Water: The developer proposes a new 8" network tied into an existing 8" AC line located under School Lane's pavement. This subdivision will result in a new 8" PVC line replacing the existing AC line under School Lane. The Public Works Department intends to extend the (then stubbed) new 8" PVC to the existing 10" PVC water line on Shary (NOTE: will be subject to reimbursement). To provide a loop, the developer will also connect to the existing 8" line on Hoerner to the perimeter west. Stub outs for future development to the SE are reflected and some contingency easements are needed between lots (to the south) for possible usage by adjoining developers, too. Fire Hydrants are located pursuant to the direction of the Fire Marshal.

Sewer: The developer proposes new 8" sewer lines connecting to an existing 12" line located along School Lane to serve all lots. We note that any open cuts to the street will require City Council approval. The capital sewer recovery fee of \$5,600 is mandated (\$200.00/Lot).

Streets & Storm Drainage: School Lane already has 60' ROW but is paved to 30'; typical collector street codes mandate a minimum pavement width to be 43' B-B. Thus, this developer must construct his portion of a widened School Lane (with utility adjustments including replacing the AC water line) or provide satisfactory monetary escrow to widen School Lane in the amount of \$35,079.63 (\$35.36/L.F. X 992.11'). Regarding interior streets, they propose a 42' B/B street right off of School Lane...it then reduces into the minimum 32' B/B minor street section with cul-de-sacs at the perimeter ends.

In regard to Hoerner Rd., it has a meandering 26'-28' pavement section w/laydown curbs. This is a minor street which the City of Mission, not too long ago, had paved including associated drainage improvements. At that time, the City did not foresee a need to widen the street any further than the current pavement width because it is rarely used. The predominant reason for such seldom usage is due to the existence of more efficient N-S streets such as Ragland, Lucksinger, Shary, Glasscock. In re-consideration of this, Staff does not object to Hoerner remaining 'as is'.

Drainage storm lines range from 24" lines w/in interior streets; & a 30" storm line to the SW connecting into the existing 36" system. Public Works has reviewed the storm system and has found it compliant to code. We've also included the approved drainage report.

Other Comments Include:

- Park Fees are required in the amount of \$8,400.00 (\$300.00/Lot x 28 lots)
- Water district exclusion
- Knox Bypass required by Fire Department at Private Gate Entrance
- Comply with format findings, i.e. extend Lot lines for 7-10 to encompass the 30' of UID easement, provide a U.E. between lots 16 & 17 for future utility connections, add 5' U.Es along the frontage of all internal streets, etc.
- Submit a street light plan for review & approval; interior lighting is private;

perimeter street lights are public & will be either newly installed or existing lights upgraded.

- Must provide 4' sidewalks along the east side of Hoerner Rd. or escrow \$6,492.00 (681.36'-140' existing driveways = 541' X \$12.00L.F.); any widening of School Lane must account for replacement 5' sidewalks, too; if not widened by this project's development stage and the developer chooses to escrow for future widening, then the City should be reimbursed for current sidewalk improvements.

Staff recommends approval subject to: 1) No objection to Variances 1 & 2 mentioned above; 2) Adjust Lots 7-10 to incorporate the irrigation easement within their legal boundaries so as to maximize surface usage, resolve a perpetual maintenance issue, and facilitates the process of easement-incorporation into the lots when the irrigation line is abandoned; 3) Provide escrows for School Lane's widening inclusive of replacement 5' sidewalks; if not paved w/this project, then escrow street widening costs & reimburse city for School Lane's sidewalks; also, escrow 4' sidewalks along Hoerner; and 4) Comply with other format findings inclusive of those shown above.

Chairman Sheats asked if the applicant or representative were present.

Mr. Javier Hinojosa from Javier Hinojosa Engineering was present to answer any questions from the board.

Chairman Sheats stated that everything sooner or later would be moved into the PVC on the south side but asked if the city will attempt to take whatever supply line they have to Flamingo Avenue go under the AC and connect also into the PVC at some later date.

Mr. Salinas stated that he believed there were a total of 11 bores in the area because of the people that live on the north side of School Lane and in talking to Mr. Chapa & Roberto from Public Works, they would be providing those bores so we could finally eliminate the AC line.

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

Started: 5:50 p.m.

Ended: 5:58 p.m.

Item # 2.2

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". Mrs. Caudle moved to remove the item from the "Table". Mr. Lopez 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 has been shown on previous developments. (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.

Mr. Salinas stated that in talking with the MPO they pretty much stated that the map that was available online was a proposed map, it was up for corrections, and should not be used for designing or developing a subdivision. He added that what happened was that the engineer did develop this particular subdivision using the map online and not showing any dedication of ROW along 4 Mile Road. Mr. Salinas stated that the city uses maps that were provided by the MPO back in 2003, where it does show Mile 4 going through. Mr. Salinas added that he didn't think the city should be held accountable for an error that the MPO made on their map.

Chairman Sheats stated that in previous conversations with Mr. Salinas & Mr. Zavala there was also a second mistake made by the County in that the map that was available was a proposed map but yet online it was not identified as such so we can see how somebody could get confused.

Mr. Salinas stated that Chairman Sheats was correct. He mentioned that approving this particular subdivision as is would cancel out at least that section of 4 Mile Line.

Chairman Sheats asked if the applicant or representative were present.

Mr. Salinas advised the Board that staff had made reminder calls for this meeting. He added that what Mr. Zavala wanted was for us to take action on this item and then forward to the City Council for their consideration and have City Council determine if they wanted it or not.

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

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mrs. Caudle seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:59 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission