

**PLANNING AND ZONING COMMISSION  
JANUARY 28, 2015  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Julio Cerda  
John Guerra  
Marisela Marin  
Mario Garza  
Carlos Lopez

**P&Z ABSENT**

Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Joe Garza  
Susana De Luna  
Patricio Martinez

**GUESTS PRESENT**

Adrienna & Josh Stewart  
Gerald Gabbert  
Lana & Dan Heina  
Elias Mata, Jr.  
Joe B. Garza  
Fred Kurth. P.E.

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

Chairman Ned Sheats asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR JANUARY 14, 2015**

Chairman Ned Sheats asked if there were any corrections to the minutes for January 14, 2015. Mr. Julio Cerda moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Joe Garza mentioned that the conditional use permit request for Juan Gonzalez for the Sale of Alcohol would not be seen by P&Z because the applicant withdrew his application. He just wanted to advise the Board and Public in case someone was present and since notices had been mailed out.

**Started: 5:00 p.m.**

**Ended: 5:03 p.m.**

**ITEM #1.1**

**Rezoning:**

**7.765 acres out of Lot 296, and  
out of an abandoned canal ROW,  
John H. Shary Subdivision  
AO-I to R-1  
Lana S. & Marion D. Heina**

Mr. Joe Garza went over the write-up stating that the subject site is located approximately 700' north of Mile 2 on the west side of Taylor Road.

**SURROUNDING ZONES:** The surrounding zones include AO-I to the north and west, R-1A to the south (Summers Estates), and outside city limits to the east.

**LAND USES:** The surrounding land uses included a cemetery to the north and east and single family residential to the south and west.

**FLUM:** The Future Land Use Map reflects a Lower Density Residential Designation (LDA).

**REVIEW COMMENTS:** The applicant submitted a 33 lot single family residential plat that will be presented to P&Z at a future meeting. Step one of the process is the zoning. Based on the surrounding land uses, zones, and on the FLUM designation, staff recommended approval.

**RECOMMENDATION:** Approval.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Fred Kurth from Melden & Hunt stated that they were proposing to do a very nice gated community subdivision on the property.

There being no discussion, Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:03 p.m.**

**Ended: 5:06 p.m.**

**ITEM #1.2**

**Rezoning:**

**A .87 acre tract of land out of the North 600'  
of the South 1016' of Lot 282, John H. Shary  
& a .97 acre tract of land out of the North 600'  
of the South 1016' of the East 330' of Lot 282,  
John H. Shary Subdivision  
AO-I to R-1A  
Josh Stewart**

Mr. Joe Garza went over the write-up stating that the subject site is located approximately 1000' south of Mile 2 on the west side of Glasscock Road.

**SURROUNDING ZONES:** The surrounding zones include AO-I to the north and south, R-1A to the east (Coronado Subdivision) and west.

**LAND USES:** The surrounding land uses included single family to the north, south, east, and west.

**FLUM:** The Future Land Use Map reflects a Lower Density Residential Designation (LDA).

**REVIEW COMMENTS:** The applicant submitted a Homestead Exemption Variance. Step one of the process is the zoning. Based on the surrounding land uses, zones, and on the FLUM designation, staff recommended approval.

**RECOMMENDATION:** Approval.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Josh Stewart who address is 3009 N. Glasscock Road stated that they just wanted to build a home on the exact same place as the previous home was.

Chairman Ned Sheats asked if this was there homestead.

Mr. Stewart replied, "Yes".

Mrs. Marisela Marin asked how was it possible that there was a home on the property if it was zoned AO-I (Agricultural).

Chairman Ned Sheats stated that homes were allowed under AO-I zone property.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:06 p.m.**

**Ended: 5:10 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 on February 14, 2015 at the Mission Historical Museum  
900 Doherty  
Lots 1-7, Block 161, Mission Original Townsite Subd. C-3  
Mission Historical Museum**

Mr. Joe Garza went over the write-up stating that the subject site is located on the NW corner of Doherty and Business Highway 83. He mentioned that the Mission Historical Museum will be hosting a special program in association with the Artesano Market days event on February 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup>. The special program, titled Tacos, Tragos, y Trios will be on Saturday, February 14, 2015, from 5:30 p.m. to 8:00 p.m. This ticketed program includes an evening of entertainment by folk music artists Rumbo al' Anacua and Trio Boleros and a gourmet taco dinner by Cornerstone Grill. The evening will also feature a complimentary tequila tasting demonstration.

The City of Mission Historical Museum Artisan Market Days is a Mexican themed market extravaganza that will feature a vast array of international artisan vendors from throughout Mexico with traditional products, culturally, charged musical performances with a special presentation by Pancho Villa; sidewalk chalk-art demonstrations by various international and local artists and more!

This event requires consideration by the Planning Commission and ultimate approval by the Mission City Council as per Ordinance #3436.

**RECOMMENDATION:** Approval.

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

There was no response.

Chairman Ned Sheats asked how they are proposing to demonstrate the tequila.

Mr. Luis Contreras, Director of the Mission Historical Museum, stated that they will be having a special program after the Artisan Days on Saturday the 14<sup>th</sup> and this will allow for you to purchase a ticket for a meal, which would be tacos and music. He added that there will also be a tequila tasting demonstration by Jorge Raptis, a Senior Don Julio ambassador out of Houston who will be doing the demonstration.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:10 p.m.**

**Ended: 5:14 p.m.**

**ITEM #1.4**

**Conditional Use Permit Renewal:**

**To have a Portable Building for the  
Sale of Food – Panaderia Nuevo Leon  
4009 N. Inspiration Road  
Lot 9, Block 5, Taurus Estates #9  
C-2**

**Elias Mata, Jr.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NW corner of Inspiration Road and Azalea Street (Panaderia Nuevo Leon). The applicant currently has a portable food stand on the site which utilizes two parking spaces located on the north side of the bakery. Primary access to the site is from an existing 30' driveway along Inspiration Road. The bakery's restroom facilities are available for use by the applicant. The previous CUP was approved on March 11, 2014 for 1 year.

- **Hours of Operation:** Everyday 4 p.m. to 9 p.m.
- **Staff:** 2, the applicant and his brother
- **Parking:** with the placement of the stand, there will be 22 spaces available for both uses. The bakery and the food stand require 16 spaces, exceeding code by 6 spaces.

**RECOMMENDATION:** Approval for 1 year.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Elias Mata, Jr. whose address is 6213 N. Moorefield Road was present to address any questions from the Board.

Chairman Ned Sheats stated that he would like to suggest that they change the 1 year recommendation to 3 years since they have complied with staff's recommendations and have renewed at least once. He asked Mr. Mata if anything has changed since his last approval.

Mr. Mata replied, "No, nothing has changed".

There being no further discussion, Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation but for 3 years. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:14 p.m.**

**Ended: 5:26 p.m.**

**ITEM #2.0**

**Homestead Exemption Variance:**

**A .87 acre tract of land out of the North 600' of the South 1016' of Lot 282, John H. Shary & a .97 acre tract of land out of the North 600' of the South 1016' of the East 330' of Lot 282, John H. Shary Subdivision**

**AO-I (R-1A proposed)**  
**Josh Stewart**

Mr. Daniel Tijerina went over the write-up stating that this property is located approximately 1000' south of 2 Mile on the west side of Glasscock Road. The property measures 186' x 430' for a total square footage of 79,980 square feet. The site is currently vacant and the applicant wishes to construct a new home. The applicant is requesting a homestead exemption variance (HEV) pursuant to the recently approved ordinance passed by City Council on 11-10-14. The HEV ordinance allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

**WATER:** There is an existing 2" line located along Glasscock Road which currently serves this tract. The Fire Marshal is requiring the escrow of a fire hydrant (\$4,200). The fee to extend an 8" waterline (**1,200 l.f. x \$12 l.f. = \$14,400**) is not required which equates to a substantial savings to the applicant.

**SEWER:** The site has access to an existing 8" sewer line located along the east side of Glasscock Road. The capital sewer recovery fee is waived via the HEV (**\$200**).

**STREETS & STORM DRAINAGE:** The subject property has access to Glasscock Road which is a future 80' ROW, 57' B/B Street. In reviewing the metes and bounds of the property, it is noted that only 20' of right of way from center line exist. The owner is required to dedicate an additional 20' of ROW in order to equate to the necessary 40' of ROW from centerline, by separate instrument. Storm drainage will be accomplished through on-site detention. The street widening fee is waived via the HEV (162' x \$55.90 = **\$9,056.03**).

**OTHER:** The applicant is requesting a variance to not dedicate the water rights so that he can continue to flood irrigate the property. Staff notes that the dedication of water rights is required by the subdivision ordinance. Therefore, **staff recommends denial** of this variance request.

**SUMMARY COMMENTS:**

- Must comply with Model Subdivision Rules.
- Must dedicate water rights.
- The HEV waives the need for 5' sidewalks along Glasscock Road (Savings: 162' x \$12 l.f. = **\$1,944**).
- The HEV waives capital sewer recovery fee (**\$200**).
- The HEV waives the park fee (**\$300**).
- The street light requirement is also waived via the HEV (**\$1,934.40**).
- Must dedicate an additional 20' of ROW along Glasscock (40' from centerline) in order to comply with the City's Thoroughfare Plan.
- Must escrow \$4,200 for a fire hydrant.

**RECOMMENDATION:** Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.) and the comments above. Staff recommends denial of the variance request to not dedicate water rights.

**HEV Total Savings: Total Savings: \$27,834.43**

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

There was no response.

Mr. Josh Stewart was present to address any questions from the Board.

Mrs. Marisela Marin asked Mr. Tijerina how does the City enforces that the property owner does not sell his property in the future.

Mr. Tijerina stated that they sign an affidavit stating that this property will be their homestead.

Chairman Ned Sheats asked if there was something in the affidavit that states that they cannot sell the property.

Mr. Tijerina stated that he was not sure but it could be added.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the homestead exemption variance as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:26 p.m.**

**Ended: 5:32 p.m.**

**ITEM #3.0**

**Pre-Final Plat Approval:**

**Woodland Ridge Ph. III Subdivision  
A 7.189 acre tract of land out of Lot 26-2,  
West Addition to Sharyland Subdivision  
R-1**

**Developer: Mac-Leo Homes, Inc.**

**Engineer: Javier Hinojosa Engineering**

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located north of FM 495 on the west side of Los Ebanos Road. This is the third and final phase of this Master Planned Subdivision. The proposed subdivision consists of 27 SF Residential lots that meet the minimum R-1 area dimensions. This subdivision was approved by P&Z on 10-05-06 and by City Council on 10-09-06, however was never recorded. We note that all pavement and utility work was installed pursuant to the City's 2006 construction standards. Since then, the property has been purchased by a new developer that wishes to record the plat.

**WATER:** An existing 8" water line system provides service to all lots with existing hydrants located via direction from Fire Marshal.

**SEWER:** An existing 8" sewer line provides service to all lots as it ties to an existing 8" sewer network to the west within Woodland Ridge Phase II. The \$200.00/Lot capital sewer recovery fee will be imposed (\$200.00 X 27 = **\$5,400.00**).

**STREETS & STORM DRAINAGE:** The subdivision adjoins Los Ebanos Rd. a future 80' ROW / 57' B/B street. The MPO Thoroughfare Plan, as amended on February 20, 2014, calls for 40' of ROW from centerline along Los Ebanos noting that on the opposite side is UID's concrete-lined open canal. The proposed pavement with is a 37' B-B section for Los Ebanos Road due to the canal abutting it ¾ mile north of Griffin Parkway. There will only be two street intersections leading to Los Ebanos but all will access a minor street. Regarding drainage, there is a series of 24" RCP storm lines and type 'A' inlets spaced to code.

**OTHER COMMENTS:**

- Must provide proof of exclusion from the water district
- Park Fees in the amount of **\$8,100.00** (27 Lots X \$300.00/Lot)
- Sewer capital recovery fees in the amount of **\$5,400.00** (27 x \$200)
- Street widening escrow in the amount of **\$47,907.49** (\$55.90 l.f. x 857')
- Sidewalk escrow in the amount of **\$10,284** (857 l.f. x \$12)
- It is noted that the required fence buffer to the north, south, and east (along Los Ebanos) has already been installed by the new owner/developer.

**RECOMMENDATION:** Approval subject to: 1) Payment of the Park Fees, Capital Sewer Recovery Fees, street widening and sidewalk escrows, and 2) Provide proof of exclusion from the water district.

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

There was no response.

Mr. Joe B. Garza from Javier Hinojosa Engineering was present to address any questions from the Board.

There being no discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to approve the subdivision plat as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0  
OTHER BUSINESS**

**ITEM #5.0**  
**ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:33 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission