

**PLANNING AND ZONING COMMISSION  
OCTOBER 23, 2013  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Rene A. Flores  
Ned Sheats  
Carlos Lopez  
Abiel Flores  
Mario Garza  
Marisela Marin  
Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Susana De Luna  
Irasema Dimas

**GUESTS PRESENT**

Maria Ester Salinas	Lisa S. Resendez
Ricardo Rivera	Noe Galvan
Johnny Hart	Maria A. Vega
Sylvia G. Soto	Alexis Villareal
Roberto Garza	Cynthia Villanueva
Emigdio Villanueva	Elgin Xavier
Juan B. Salivar	Rogelio Garcia
Guadalupe Garcia	Consuelo Salinas
Maria Reyna	Maria De La Paz Reyna
Jesus Reyna	

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

Vice-Chairman Ned Sheats asked if there was any citizens' participation.

There was no response.

**APPROVAL OF MINUTES FOR OCTOBER 9, 2013**

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for October 9, 2013. Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:35 p.m.**

**ITEM #1.1**

**Rezoning:**

**A 4.066 acre tract of land out of Lot 20-4,  
West Addition to Sharyland Subdivision  
R-1 & C-2 to C-3  
Luis Valencia**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NW corner of Perez Street and Holland Avenue. The site measures 375.5' x 471.82' (177,097.63 sq.ft.). This site has access to both Holland Avenue and Perez Street.

**Surrounding Zones/**

N: C-3 – General Business District; MCISD Bus Barn

**Existing Land Uses:**

E: I-1 – Light Industrial; Open Acreage (Hay-Sammons Site)

W: R-1 – Single Family Residential; Open Acreage  
S: R-1 – Single Family Residential; Single Family Homes  
Site: R-1 – Single Family Residential and  
C-2 - Neighborhood Commercial; Open Acreage

**FLUM:** Moderate Density Residential (MD)

**Review Comments:** Though the FLUM shows an MD designation for this site, Staff believes that the highest and best use is of a commercial nature due to the following:

- 1) The subject property adjoins Holland Ave., a collector street (mandates a minimum 80' ROW with an ultimate pavement width of 57').
- 2) With the site being directly across from a I-1 (Light Industrial) zoned property and just south of a C-3 zoned property, allowing this portion of the overall acreage to be zoned commercial would seem to work well with the existing zonings.
- 3) The traffic produced by those using this collector street is more conducive of a non-residential use rather than having residential homes/uses along Holland Ave.
- 4) With a potential light industrial use capable of coming in on the east side of Holland, a C-3 zone would seem to be a good fit in this particular area of Holland. The line of demarcation would be Perez St., where residential uses would begin and head south away from Business 83.

Staff recommended approval.

Mr. Daniel Tijerina mentioned that the City Manager wanted for him to advise the Board and the audience that even though this was just a rezoning he would still be making his recommendation and requiring an environmental report of this property prior to any type of construction.

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

A show of hands indicated that there were 11 people in opposition to this request.

Spokesperson Mrs. Maria Ester Pena Salinas who resides at 715 Miller stated that first of all the notice should have been in English and Spanish because of the majority of the citizens affected there speak Spanish. She added that they also would have like for the meeting to be in Spanish not only in English because they feel that they are not able to fully understand.

Chairman Rene Flores asked Mr. Tijerina if the notices that the City is required to mail out for rezoning's were only in the English language.

Mr. Tijerina replied, "Yes".

Mrs. Salinas stated that the environmental testing that they were requiring was because this property was listed as number 6 in the nation as a very contaminated site. She mentioned the majority of the residents that live in the area were elderly and were on a fixed income. She added that if the property was rezoned to commercial they would like to know what type of businesses were proposed for that area. Mrs. Salinas stated that this was a very sensitive item. She mentioned that there are a lot of pros and cons and

everybody wants businesses and a boost to the economy. However this site is currently being used by the members of the bus department for MCISD for parking. Mrs. Salinas mentioned that if you drive by in the morning you could see all the cars parked in that area. She added that the children cannot even walk because of the cars being parked in the area where the City of Mission Planning should have already had sidewalks. Mrs. Salinas stated that the indigent, poor, physically challenged and children have to walk around the cars because MCISD bus employees have to park their cars at this site. Mrs. Salinas stated that on Nicholson, where the Hayes Sammons Warehouse used to be, the same thing happens because the MCISD maintenance staff parks their vehicles there. She added that many of the residents living there had cancer, many had lost their babies. Mrs. Salinas added that most of the people that have shown interest in property blame Mrs. Lupita Salinas & her husband, who also have cancer, for not being able to rezone the property. Mrs. Salinas stated that they wanted to know what types of businesses were being proposed because they don't want apartments or housing. She mentioned that once the property is rezoned to commercial the property value and taxes will increase and that would affect the people that lived on a fixed income. Mrs. Salinas stated that they would like for this property be covered with blacktop used for parking and sold to MCISD. She added that most of the people want to express themselves but feel that since they don't have a high school education they won't be listened too. Mrs. Salinas finalized by stating that they wanted sensitivity for the residents, sidewalks on Perez Street, Perez Street should do a double road, and to advise the Board that based on a title search the Hayes Sammons Warehouse was built on a residential zone it was never zoned commercial.

Chairman Rene Flores asked Mr. Tijerina what information the City has on the main concern regarding the area being contaminated.

Mr. Tijerina stated that the City had an environmental report that was done by Scott Boyd. As far as the findings there was some radiation work done on the Hayes Sammons site across Holland. This property was on the west side of Hayes Sammons and on that report, it does not show any contamination of this property.

Chairman Rene Flores asked if based on the report that staff had there was no contamination of the property being considered by this Board.

Mr. Tijerina replied, "That's correct".

Chairman Rene Flores asked when the environmental report was done.

Mr. Tijerina replied, "2011". He reiterated that City Manager Martin Garza would be requiring whoever develops this property to get another environmental report prior to any permit being issued.

Chairman Rene Flores asked if staff new what type of businesses were they proposing for this area.

Mr. Tijerina stated that to his understanding the applicant was proposing a commercial development but the applicant was present to address those questions.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Luis Valencia who resides at 2713 Baylor stated that they wanted to develop small commercial suites for a possible cell phone business, beauty salon, tax service center and maybe a small convenience store. He added that they wanted to do suites that would be approximately 1000'.

Mr. Ned Sheats asked Mr. Valencia if he was proposing to have any business having to do with toxics elements, or gas.

Mr. Valencia replied, "No".

Mrs. Guadalupe Garcia who resides at 803 Perez Street stated that she has lived at her residence prior to the Hayes Sammons warehouse. She added that her husband and she had cancer and most of her family. She mentioned that the property has been cleaned up but if you go to the site around 12 midnight you could smell the fumes/toxins. She added that if they do commercial buildings her taxes will go up and she would like the Boards help in considering her concerns.

Chairman Rene Flores stated that personally he didn't foresee a big shopping center in this area if anything maybe businesses that would benefit the neighborhood. Chairman Rene Flores asked staff if there were any plans to widen Holland Road.

Mr. Tijerina stated that currently they were working on widening Inspiration Road but he was not aware of any future widening plans for Holland Road.

Mr. Bobby Salinas stated that next step they would have to go through would be the subdivision process in which we will have them handle ½ of Perez Street which was one of the concerns. He added that the reason it was only ½ was because the northern side had not been developed once it gets developed the other portion of the street will get done and along with that would be the requirement along Holland and the sidewalks can be done at this time if those are the wishes from this Board.

Mrs. Marisela Marin asked Mr. Salinas if the City could not take care of Perez Street until the northern side gets fixed.

Mr. Salinas replied, "Yes, because they owed the property up to that area". He added that they still had to dedicate ½ of the right-of-way in order to do that.

Mrs. Marisela Marin asked so if the property never gets developed then it would never get fixed.

Mr. Bobby Salinas stated that since the property was privately owned the city cannot do anything unless they purchase the property.

Mr. Tijerina stated that based on the comments made by Mr. Valencia regarding the businesses he is proposing it seems that a C-2 (neighborhood commercial) would work for that area instead of a C-3 (General Business). He added that this would benefit the residents in the area because they could go get a haircut done, or get their taxes prepared.

Mrs. Marisela Marin asked staff if they foresee any increase in property taxes.

Mr. Tijerina replied, "No, he didn't foresee any changes, but that is something that would be handled through the appraisal district".

Mrs. Salinas stated that most of the disadvantaged elderly residents there were uneducated or educated but without a high school or a college degree and this being one of the oldest residences in Mission to say that you cannot do a street going both ways until someone purchases the property is not fair. She mentioned that Hayes Sammons used to be there and it was one of the busiest areas with a lot of businesses. Somebody discriminated against the Alto Bonito area because somebody from the City never took it upon themselves for mom, dad, grandpa and grandma to have a street. Mrs. Salinas stated that she was hearing that not unless somebody buys there are no monies to fix the street or do a street that just didn't seem right in the United States to say no to something that will benefit them. She added that their recommendation was still the same to not rezone the property and that the best use for this property as the scientists said would be to black top it and sell it to MCISD.

Chairman Rene Flores stated that he would have loved for MCISD to have bought the property but apparently this property is owned by Mr. Valencia and he had the right to deal with this property however he feels the need to do so. He added that he wished we had roads paved parking and other benefits for our citizens. He mentioned that he takes his job seriously and is concerned about what comes in the City and how it may affect the citizens but at the same time he also understood that Mr. Valencia has the right to develop his property.

Mrs. Salinas thanked Mr. Flores for taking his job seriously because they also take this matter very seriously. She added that this property was dumped on Mr. Valencia without advising him that this property was listed as number 6 in the nation for being contaminated. She stated that how can they say that a manufacture that threw the pesticides with a giant fan could be cleaned it could never be cleaned.

Mr. Mario Garza stated that MCISD was not interested in the property and Mr. Valencia owned the property and he could either develop or keep the property as is but at the same time no improvements can be made if it's kept undeveloped. Mr. Garza stated that he believes that once the property gets developed to maybe a bakery, flower shop, etc. it might benefit the residents in the area.

Mrs. Salinas asked if they were supposed to call the Mission PD when MCISD is taking up all the parking of the sidewalks or parking on the street.

Mr. Garza stated that was another issue that would be taken into consideration when he develops the property because he would need to provide enough parking for the businesses that he is proposing.

Chairman Rene Flores asked if staff could send out the notices in Spanish.

Mr. Tijerina stated that staff will be looking into sending out notices in Spanish and English.

Mr. Salinas stated that staff would need check with the City Attorney to see if that could be done.

Mr. Ned Sheats stated that the City was not discriminating for not having sidewalks because he himself has lived in the north eastern part of Mission between Conway and Griffin Parkway and he does not have

any sidewalks for the same reason. He mentioned that once all those properties get developed then they will have sidewalks.

Mrs. Salinas stated that they were discriminated because there are no sidewalks in that area.

Chairman Rene Flores stated that there were many areas without sidewalks and that didn't mean they were discriminated.

Mrs. Salinas stated that Perez Street should be addressed by the City and to say it will not be addressed until the applicant develops the property was not right. She mentioned that in Cimarron because the people had more money they were able to get a street widen by the City.

Mr. Sheats stated that the people in Cimarron paid to get the street widened the City did not widen the street for them.

Discussion continued addressing the same concerns.

Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the rezoning to C-2 instead of the C-3 requested. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:35 p.m.**

**Ended: 5:43 p.m.**

**ITEM #1.2**

**Rezoning:**

**The S. ½ of Lot 1, Block A,  
Riverside Subdivision  
AO-I to C-3  
Editora Hora Cero SA de CV**

Mr. Daniel Tijerina went over the write-up stating that the site is located in the SW area of Chimney Road and Mayberry Road.

**Surrounding Zones:** C-3 to the north and AO-I Zone in all directions

**Land and Uses:** Pepe's on the River to the north, open acreage to the east, La Lomita Chapel to the south, and the Rio Grande River to the west.

**FLUM:** The Future Land Use Map shows this area as a General Commercial (GC) land use designation. The area currently has a mixture of uses ranging from institutional (La Lomita) to commercial (Riverside Club) to R.V. Parks (Chimney and Hide Out Park).

**Review Comments:** The change to C-3 would be in compliance with the Future Land Use Map, and other grandfathered commercial uses. The northern half of the lot was recently approved by P&Z and City Council to C-3 back on May, 2012. Being at the southernmost tip of the City, C-3's influence will be contained between the Rio Grande and the Levee thus not being detrimental to the general mixed use area. Staff recommended approval.

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

Mr. Johnny Hart who resides at 314 E. Chimney Road stated that he was not objecting to the rezoning. He added that he was the owner of the Riverside Club and the property next to Pepe's. Mr. Hart stated that his concern was that the City made a lot of promises when they annexed his property into the City such as provide water, pave the levee, lift station, lighting nothing ever materialized. The water took 5 years to install. Mr. Hart mentioned that he would like to develop his property for commercial but the City has not shown any sign of keeping their end of the bargain.

Chairman Rene Flores asked Mr. Hart if he had a signed document stating they would do all of these improvements.

Mr. Hart replied, "No, but every City Manager has told him they would work on it and of course nobody has done anything". He added that with more businesses in the area you have a narrow levee which has a canal right beside it with no guardrails, the levee is unpaved, and there is no lighting down there. If you add more businesses with increasing traffic, safety is a concern as well as being along the river. Once again he mentioned that he was not opposing the request but needed to know what the City's plans were if these properties keep developing with small roads, no utilities, etc.

Chairman Rene Flores mentioned that you would think that in order to make this area attractive for commercial development they should have all the utilities.

Mr. Hart replied, "Your right but they don't have utilities".

Chairman Rene Flores stated that he wished the City considered to invest more in these properties to help the people that want to expand or invest in this particular area.

Mr. Hart mentioned that he hoped so because this will help get a substantial amount of sales tax dollars and property taxes.

Chairman Rene Flores asked if the applicant or representative were present.

Representing the Applicant, Mrs. Noemi Gonzalez was present to address any questions from the Board.

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

**Started: 5:43 p.m.**

**Ended: 5:59 p.m.**

**ITEM #1.3**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
– Grand Rio River Club  
400 E. Chimney Road  
Lot 1, Block A, Riverside Subdivision  
AO-I (Proposed C-3)**

### **Editora Hora Cero SA de CV**

Mr. Daniel Tijerina went over the write up stating that the site is located in the SW area of Chimney Road and Mayberry Road. The site is what used to be Pepe's on the River. The applicant wishes to construct a new 'open concept' night club and social events center. The center would include pools/hot tubs, an open deck, palapa, and a restaurant. The center would be used for receptions, weddings, quinceañeras, etc. When not being used for such events, the center would also be used for concerts and a night club. They compare it to a similar use as the Riverside Club, but for a younger crowd. The applicant is proposing to divide the improvements into 3 phases. The first phase would include the use of an existing palapa, and building a new deck, pool, and restaurant.

- **Hours of Operation:** Mondays - Sundays 10a.m. – 2a.m.  
2pm to 2am, and Saturdays from 12pm to 2am.
- **Staff:** 30 employees; in shifts
- **Parking:** In viewing the site plan, the applicant is proposing to include 84 paved parking spaces for the first phase of the development. When the all phases are completed, there will be approx. 760 parking spaces.
- **Sale of Alcohol:** Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, a historical marker (La Lomita), school or publicly owned property. There is a city owned property located within 300'. Being that the proposal will be over 1,000' away, Staff does not object to a waiver of the separation requirement as allowed by code.
- The applicant is proposing to have on-site security during specific events such as concerts or other similar uses.
- Must comply with all Building, Fire, and Health codes, i.e. install additional hydrants, facilities must comply with building codes, ADA requirement, etc..
- Must obtain a business license prior to occupancy.

**Review Comments:** This property has had this similar use for several years and seemed to work well in the area. Being that this area is at the southernmost tip of the City, the use will be contained between the Rio Grande and the Levee thus not being detrimental to the general mixed use area. The applicant is to submit a proposal that would be in compliance with Fire and Building code requirements.

Staff recommended approval subject to: 1) Approval for 1 year after obtaining a business license in order to assess the business; 2) Waiver of the 300-foot separation requirement; 3) Must comply with all City and TABC code requirements; 4) Must "Wet Zone" the property if not already wet zoned; 5) Acquire a separate Business License; and 6) Provide uniformed security.

Mrs. Marisela Marin stated that she understands that this project will be done in phases but the levee is very narrow and there is no lighting in the area and none of these recommendations address that concern people may end up in the canal.

Mr. Tijerina stated that staff could consider that during the process. He mentioned that he would talk to Roberto Salinas, Public Works Director to see if they could install a light out there. Mr. Tijerina added that usually in that area there is a lot of Border Patrol that would help with the security concern.

Mr. Ned Sheats asked Mr. Tijerina how they stop this until they have the necessary facilities out there. Mr. Sheats stated that this was an underused valuable part of our City and should be used for recreation but the City should get there first by installing the facilities and paving the levee.

Ms. Diana Izaguirre stated that if she was not mistaken the levee was owned by the International Boundary and Water Commission and not the City. She mentioned that she would like to be able to fix the road as well but the City could not do any type of improvements because the city doesn't own the property.

Mr. Ned Sheats stated that the City might not own the road but that does not mean that they have to leave it dangerous as it is; they could deny the request.

Mr. Tijerina mentioned that Ms. Izaguirre was correct in saying that the property belonged to IBWC but the applicant was following due process and he believed that the City could not prohibit anybody from development.

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

Mr. Johnny Hart stated that he was not in opposition to this request but was concern for the traffic flow. He added that IBWC would give the city permission to do those improvements because they were already going to do improvements, but they had to wait because the levee was raised about 5 years ago.

Chairman Rene Flores asked if the applicant or representative were present.

Representing the Applicant, Mrs. Noemi Gonzalez stated that she was the project manager for this development. She added that Phase I had only about 80 parking spaces for about 300 people and they could probably help to pave and add lighting but they would not be able to widen the levee. Mrs. Gonzalez mentioned that they have worked with the IBWC in the past but she couldn't guarantee anything.

Chairman Rene Flores asked if anyone has fallen into the canal.

Mr. Tijerina stated he was not that is aware of anyone falling into the canal.

Mr. Mario Garza stated that he believed it was in the best interest of the applicant to make the recommended improvements.

Mr. Ned Sheats asked Mr. Tijerina and Mr. Salinas to go before the City Council and ask them for help to address these concerns.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendations. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:59 p.m.**  
**Ended: 6:06 p.m.**

**ITEM #1.4**

**Conditional Use Permit:**

**To Place a Portable Building for  
the Sale of Food  
217 E. 9<sup>th</sup> Street  
Lots 12-15, Block 161,  
Mission Original Townsite Subdivision  
C-3  
Alexis Villarreal**

Mr. Daniel Tijerina went over the write up stating the subject site is located on the NW corner of Miller Avenue and Business Highway 83 within the existing Solis Tire Service. The portable building is proposed to be located under an existing covered area along the east side of the tire shop. Access to the site is from an existing driveway along Business 83 and Miller Avenue. There are existing restroom facilities located within the tire shop which will be made available for public use. The applicant will have her own key to gain access to the building after the tire shop is closed.

- **Hours of operation:** Every day from 10a.m. to 1a.m.
- **Staff:** 2 employees will run the stand.
- **Parking:** The tire shop has two bays and two additional spaces under an existing open canopy on the south side of the site. The portable building will be placed on the east side of the building where there are 3 parking spaces and two additional spaces under another existing canopy also along the east side of the building.
- A business license is required prior to occupancy
- Requires the approval of the Health Department

**Review Comments:** The City of Mission has upgraded the aesthetics of the downtown business district with the remodeling and parking improvements to the Museum and the \$2 Million+ dollar streetscape improvement project along Conway. The site is 1 block away from the Museum. Staff is not inclined to recommend favorably placing portable buildings in this area where the City had invested funding to improve and enhance downtown.

**Recommendation:** The City is in the process of revitalizing downtown. A portable building in this area will detract from the City's efforts to enhance downtown. Staff recommended denial.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mrs. Alexis Villarreal who resides at 2004 N. Nicholson was present to address any questions from the Board.

Chairman Rene Flores stated that he shared staff's opinion.

Mr. Abiel Flores stated that he has seen a lot of portable buildings but most of them have either been there for a while or have a plan to move out in a specific period of time.

Chairman Rene Flores stated that he knows there is a market for this type of businesses in the future but he would like to see them similar to Austin. He added that in Austin they are all in one location but they are well maintained and nice looking.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to deny the conditional use permit as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:06 p.m.**

**Ended: 6:12 p.m.**

**ITEM #1.5**

**Conditional Use Permit:**

**Drive-Thru Service Window  
For new Sno-Cone Stand  
1712 W. Griffin Parkway  
Lot 22, Block 4, Oakwood Estates Subd.  
C-3  
Elgin Xavier**

Mr. Daniel Tijerina went over the write up stating that the site is located approximately 64' west of Kristi Lane along the north side of Griffin Parkway. The applicant is proposing to build a new sno-cone stand with two drive-thru service windows, one for ordering and one for pick-up on the opposite side of the building. Access to the site will be provided off of Griffin Parkway with a 24' driveway.

- **Hours of Operation:** Every day from 7a.m. to 10p.m.
- **Staff:** 5 employees per shift. 2 shifts per day
- **Parking:** The building measures approximately 830 sq. ft. The number of parking spaces required for this size building is 5. The applicant is providing 4 spaces along the front and 2 parallel spaces located on the west side of the lot. There is also stacking for approx. 4 cars when placing orders.
- **Landscaping and Buffering:** The applicant is proposing two shade trees along the front of the lot. Staff is requesting that the detention areas must contain 3' continuous landscape hedges. A 6' cedar fence is required to provide a buffer from the commercial and residential uses. A 6' block fence with opaque gates is required around the dumpster area, too.
- A drainage plan will be required to ensure that proper drainage calculations are being met as per the plat.
- Must comply with the City's Sign Ordinance.
- A business license is required prior to occupancy

**Review Comments:** The new sno-cone business will be built on-site and is proposed to have a stucco finish, which will be in compliance with Ord. 3602, which requires all buildings to have such facades. Since they are proposing to have plenty of stacking for customers and will be complying with all other codes, Staff does not object to this new drive-thru service window proposal. Staff recommended approval subject to: 1) 1 year approval; 2) Comply with landscaping and sign codes; 3) Submit a drainage plan for review; and 4) Acquire a business license.

Chairman Rene Flores asked if any commercial establishment required a block fence when being next to residential property.

Mr. Tijerina stated that they need to have a solid buffer but it doesn't necessarily have to be block.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Elgin Xavier stated that he had 3 other similar businesses in McAllen, Pharr and Edinburg that have been working fine and some of his patrons were from Mission so that's how he got the idea. He added that it was going to be a beautiful building.

Mr. Ned Sheats stated that he believes this would be a very good example for the other new businesses that want to sell similar items.

Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:12 p.m.**  
**Ended: 6:17 p.m.**

**ITEM #2.0**

**Site Plan Approval:**

**Construction of 12 Apartments  
Lot 11, Taurus Estates Subdivision No. 19  
R-3  
Roberto Garza**

Mr. Daniel Tijerina went over the write up stating that the subject site is located 117' north of Mile 2 Road along the east side of Anita Street (in the vicinity of 2 Mile Road and Moorefield).

**Proposal:** To build 2 two story buildings containing 12 two bedroom apartments for a total area of 10,296 s.f. All units to be divided by 1 hr. rated firewalls.

**Setbacks:** The minimum required setbacks based on the subdivision are: Front: 30', Rear Setback: 15', Corner Side: 15', Side: 6'. All setbacks are being met or exceeded.

**Parking:** The 12 units are calculated to require 24 parking spaces based on the 2:1 parking ratio. The applicant is proposing 8 spaces along the front of the apartments and 16 spaces along the side for a total of 24 spaces, thus in compliance with our parking code.

**Landscaping:** The landscaping code requires 1 tree for every two units, thus requiring 6 shade or ornamental trees and for there to be a minimum of 10% green area throughout the lot. The applicant is

proposing 6 trees as required by code and approx. 20% green area. The minimum size of trees shall be 7' tall - 3" caliper trees after planting.

**Other Comments:**

When the plat was recorded the Capital Sewer Recovery Fee and Park Fees were levied at 8 units per lot. The following amounts are required to pay for the additional 4 units.

- Capital Sewer Recovery Fee in the amount of \$480.00 (4 two bedroom apartments X \$120.00 = \$480.00)
- Park Fees in the amount of \$1,200.00 (\$300.00/4 apartments)
- The dumpsters will be located in the rear of the lot and must be screened with a 6' block fence with opaque(solid) gates.
- This development requires 5' sidewalks along Anita St.

Staff recommended approval subject to: 1) Pay additional capital sewer recovery and park fees for additional 4 apartments; 2) Provide one 7' – 3" caliper shade tree per 2 apartments; and 3) Screen dumpsters with 6' block fence and (solid) opaque gates.

Mr. Ned Sheats asked what the landscaping code requirement for the existing apartments was.

Mr. Daniel Tijerina replied that the previous code required 10% of landscaping.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Roberto Garza was present to address any questions from the Board.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the site plan approval as per staff's recommendations and making sure that the landscaping is well maintained. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:17 p.m.**

**Ended: 6:21 p.m.**

**ITEM #3.0**

**Single Lot Variance:**

**A .54 acre tract of land out of a 9.63 acre tract out of the west 12 acres of Lot 296, John H. Shary Subdivision  
AO-I  
Carlos Espinosa**

Mr. Daniel Tijerina went over the write up stating that this property is located on the NW corner of Melody Lane (private access) and 2 Mile Road. The site has access to a dedicated 25' access easement, which connects to Mile 2 Road.

**History:** The original owner of the entire acreage (Mr. Johnson) sold tracts by metes and bounds over 20 years ago when the tracts were still in the ETJ. At that time there was no partnership with the County in securing Certificates of Compliance as an added measure to keep a 'check' on tracts that needed to be platted. There are many existing homes built in this un-subdivided/un-platted area. Throughout the years

Planning has met with several area property owners, but there is no real organization of resources to provide a cooperative plat; thus the need to go through the Single Lot Variance process.

**Proposal:** The applicant currently has their single family home and wishes to construct a new swimming pool on the property.

**Water/Sewer:** There is an 8” water line located along the west side of the 25’ access easement that connects to an 8” line from Summer Estates. The Fire Marshal has reviewed the proposal and has determined that no fire hydrant is required at this time. There is a 12” sewer line located along the east side of the lot.

**Other Comments:**

- No park fee is required since the home currently exists
- Capital Sewer recovery Fee – \$200.00
- Water District Exclusion / Water Rights Dedication
- Additional 5’ utility easement required along the west side of the existing private access easement to make it a 30’ access and utility easement.

Staff did not object to the single lot variance subject to compliance with: 1) Dedication of additional 5’ of access and utility easement; 2) Water District exclusion; and 3) Payment of the \$200 capital recovery fee.

Chairman Rene Flores asked if there was any input from the Board.

There was no response.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the single lot variance as per staff’s recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:21 p.m.**

**Ended: 6:25 p.m.**

**ITEM #3.1**

**Single Lot Variance:**

**A 6.38 acre tract of land out of the  
E. 1/3 of the N. 2/3 of Lot 28-5,  
West Addition to Sharyland Subdivision  
AO-I  
David Villanueva**

Mr. Daniel Tijerina went over the write up stating that this property is located in the SE area of 2 Mile and Trooper directly north of the Peace Avenue street stub. The property measures 440’ X 631.7’ for a total square footage of 277,948 sq.ft. The property is currently open acreage. The applicant wishes to construct a new single family home on the property. Since the property was divided after August, 1974, Mr. Villanueva must comply with the Single Lot Variance process.

**Water:** There is an existing 8” water line along the south side of the tract along the west side Peace Ave. that will serve this site.

**Sewer:** The site also has access to an existing 8” sewer line located along the east side of Peace Ave. The Capital Sewer Recovery will be required in the amount of \$200.00 (\$200/HUE).

**Streets & Drainage:** This subdivision abuts Peace Ave. which is currently a 50’ ROW, 32’ B-B St. The primary access to the new home will be off of Peace Ave. during a meeting with the Fire Marshal, he explained that a cul-de-sac would not be needed at this time since the tract will only be used for one home and they are not proposing an extension of the street into the property. Staff feels that if the property is further subdivided in the future, the need for the street extension or cul-de-sac would be required at that time. We also recommend that a 10’ utility easement be dedicated along the south property line in order to allow for the future extension of water and sewer to the property to the west of this tract. Storm drainage will be accomplished through on-site detention.

**Other Comments:**

- Park Fees in the amount of \$300.00 are required for the lot.
- Must provide proof of exclusion from the Water District. (Letter from UID)
- There are existing street lights within the Sanchez Subdivision; no new street lighting is required.

Staff recommended approval subject to: 1) Provide a 10’ easement along the south side of the tract; 2) Must pay Capital Sewer Recovery & Park fees; and 3) Provide proof of exclusion from the water district (water rights conversion).

Chairman Rene Flores asked if there was any input from the Board.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. David Villanueva was present to address any questions from the Board.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the single lot variance as per staff’s recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:25 p.m.**

**Ended: 6:28 p.m.**

**ITEM #4.0**

**Discussion and Action for Updates to the MPO Thoroughfare Plan**

Mr. Daniel Tijerina went over the write up stating that the City of Mission was asked by the HCMPO to provide new updates/changes to the existing MPO Thoroughfare Plan. Staff wanted to take this opportunity to amend certain areas of the map that were not previously included in the existing thoroughfare plan. Provided below is a list of the modifications made to the existing thoroughfare plan that goes along with the attached numbered plan.

1. Extended 1 Mile South (100’ ROW) from Schuerbach Road to Abram Rd. (F.M. 1424).
2. Include the SW Loop proposed alignment by MPO.

3. Extended Glasscock Road's alignment (80' ROW) from F.M. 1016 (Military Rd.) to F.M. 494

In addition to the changes made, staff has also provided the MPO with the updated City Limits for the City of Mission as of our last annexation in January, 2013. Staff recommends approval of the proposed changes to the MPO Thoroughfare Plan

Chairman Rene Flores asked if there was any input from the Board.

There was no response.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the updates to the MPO Thoroughfare Plan as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously

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

There being no further items for discussion, Ms. Diana Izaguirre moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:30 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission