

**PLANNING AND ZONING COMMISSION  
DECEMBER 11, 2013  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

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

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Susana De Luna  
Irasema Dimas

Victor Meza  
Teofilo Aguillon  
Berta H. Filut  
David Garza  
Kirk & Jeri Clark  
Gilberto Espinoza  
Jose H. Acosta  
Jesus Pardo Chavez  
Stewart Skloss  
Mario Amaya  
Guillermo A. Arratia, P.E.

**GUEST PRESENT**

Nataly D. Barrera  
Valdemar Cantu  
Bill Filut  
Roberto Delgado  
Alfonso Peña  
Florestella Martinez  
Alejandro Millan  
Mary Welch  
Rene Barrera, P.E.  
Javier Hinojosa, P.E.

**CALL TO ORDER**

Vice-Chairman Ned Sheats called the meeting to order at 5:01 p.m.

**CITIZENS PARTICIPATION**

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

There was no response.

**APPROVAL OF MINUTES FOR NOVEMBER 13, 2013**

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:07 p.m.**

**ITEM #1.1**

**Rezoning:**

**A 4.60 acre tract of land out of Lot 261,  
John H. Shary Subdivision, and  
Also out of Abandoned Canal Right-of-Way  
AO-I to R-1A  
Meza Homes, Inc.**

Mr. Bobby Salinas went over the write-up stating that the subject site is located ½ Mile north of Griffin Parkway along the east side of Stewart Road.

**SURROUNDING ZONES: N: R-1A – Large Lot Single Family Residential**

E: AO-I - Agricultural Open Interim  
W: R-1 - Single Family Residential  
S: AO-I - Agricultural Open Interim

**LAND USES:** Open Acreage to the east, Single Family homes in all other directions, including the site.

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

**REVIEW COMMENTS:** The proposed zone complies with the City’s Future Land Use Map, area residential land uses, and the predominant R-1A zoning. Staff recommended approval.

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

Mr. Stewart Skloss stated that he was representing Mrs. Mary Welch and that she was wondering if there had being any direction given by the UID on the existing line, being that it is being used by her.

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

Mr. Javier Hinojosa, P.E. representing Meza Homes stated that UID had asked them to relocate the lines and provide laterals for the adjacent property owners.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff’s recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Marisela Marin walked in at 5:07 p.m.

Mr. Bobby Salinas mentioned to the board that he would like to combine items 1.2 & 1.3 since they were for the same area and for the same applicant.

**Started: 5:07 p.m.**

**Ended: 5:10 p.m.**

**ITEM #1.2**

**Rezoning: A 2.34 acre tract of land out  
of Lot A, Park Subdivision  
AO-I to C-3  
Martin Rodriguez**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately 1,000’ west of Taylor Road along the north side of Griffin Parkway (the old Mr. Fun’s site). The site measures 352.76’ x 290’ which equates to 102,300.4’ sq. ft.

**SURROUNDING ZONES:** N: AO-I - Agricultural Open Interim  
E: C-3 - General Business  
W: C-3 - General Business  
S: AO-I & C-3 - Agricultural Open Interim & General Business

**LAND USES:** The surrounding land uses consist of a storage facility to the west, open acreage to the north, Stars fast food restaurant to the east, and the 'Car Spa' carwash and a single family home to the south.

**FLUM:** The Future Land Use Map reflects a General Commercial (GC) designation for this portion of Lot A.

**REVIEW COMMENTS:** The proposed C-3 request is directly consistent with the FLUM and surrounding land uses and zones. Staff recommended approval.

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

Mr. Stewart Skloss, stated that he was representing Mrs. Mary Welch and that she was wondering why the property was still zoned agricultural when evidently the property had been used for commercial purposes for a long time.

Mr. Bobby Salinas replied that Mr. Fun's had a Conditional Use Permit that would allow them the use without rezoning the property. The reason being that the City did not want the commercial zone to go all the way to the back, and a conditional use permit would have more control than a rezoning.

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

There was no response.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Rene A. Flores walked in at 5:10 p.m.

Vice-Chairman Ned Sheats turned the meeting over to Chairman Rene A. Flores.

**Started: 5:07 p.m.**

**Ended: 5:11 p.m.**

**ITEM #1.3**

**Rezoning: A 4.12 acre tract of land out  
of Lot A, Park Subdivision  
AO-I to R-2  
Martin Rodriguez**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately 1,000' west of Taylor Road along the north side of Griffin Parkway (the old Mr. Fun's site). The site measures 352.76' x 290' which equates to 102,300.4' sq. ft.

**SURROUNDING ZONES:** N: AO-I - Agricultural Open Interim

E:	R-1 & C-3	- SF Residential & General Business
W:	AO-I	- Agricultural Open Interim
S:	AO-I	- Agricultural Open Interim

**LAND USES:** The surrounding land uses consist of a storage facility to the west, the Edinburg Main Canal to the north, single family homes to the east, and the old Mr. Fun’s site to the south.

**FLUM:** The Future Land Use Map reflects a Moderate Density Residential (MD) designation for this portion of Lot A.

**REVIEW COMMENTS:** The FLUM shows this portion of Lot A as MD which is directly consistent with the proposed R-2 zone. Staff recommended approval.

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

Mr. Stewart Skloss, stated that he was representing Mrs. Mary Welch and that she was wondering why the property was still zoned agricultural when evidently the property had being used for commercial purposes for a long time.

Mr. Bobby Salinas replied that Mr. Fun’s had a Conditional Use Permit that would allow them the use without rezoning the property. The reason being that the City did not want the commercial zone to go all the way to the back, and a conditional use permit would have more control than a rezoning.

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

There was no response.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff’s recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:11 p.m.**

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

**ITEM #1.4**

<b>Rezoning:</b>	<b>Lots 19 &amp; 20, Block 6, Northwest Addition R-3 to C-2 Teofilo Aguillon</b>
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Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SW corner of Perkins and 20<sup>th</sup> Street.

<b>SURROUNDING ZONES:</b>	N:	R-1	- Single Family Residential
	E:	C-3	- General Business
	W:	R-1	- Single Family Residential
	S:	R-3	- Multi-Family Residential

**EXISTING LAND USES:** N: Single Family Homes  
E: Open Acreage and a Single Family Home  
W: Single Family Home  
S: Apartment Complexes

**FLUM:** The Future Land Use Map reflects a Low Density (LD) designation.

**REVIEW COMMENTS:** The site has been utilized as a daycare since 2003. Though the subject property shows a FLUM designation of LD, a commercial rezoning seems reasonable due to:

1. The site has already been used as a daycare for over 10 years without any complaints from the surrounding neighborhood.
2. C-2 zones lend themselves to be within or near residential areas in order to serve the surrounding neighborhoods.
3. The daycare is located on a hard corner, which is where C-2 zones are normally found.
4. Staff sent out notices within 200' of the site and has not received comments for or against the rezoning.

Staff recommended approval.

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

There was no response.

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

Mr. Teofilo Aguillon was present to answer any questions.

Mr. Ned Sheats stated that he was okay with the rezoning as long as they comply with the sign ordinance.

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

Mr. Bobby Salinas asked the board that if they could review and approve items 1.5 & 1.6 together.

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

**Ended: 5:19 p.m.**

**ITEM #1.5**

**Conditional Use Permit:**

**Texas Citrus Fiesta Carnival  
7.4 acres out of Lot 25-6,  
West Addition to Sharyland Subdivision  
& Lot 1, North Star Plaza Subdivision**

**AO-I & C-3**  
**January 12, 2014 to January 27, 2014**  
**Texas Citrus Fiesta (Berta Filut)**

Mr. Bobby Salinas went over the write up stating that the subject site is located near the NW corner of Conway and Griffin Parkway (F.M. 495). Texas Citrus Fiesta organizers have been given permission to have their annual carnival on the vacant lots to the north and west of the old Carl's Supermarket. They wish to set up on 1-12-2014 and have the carnival from 1-16-14 to 1-26-14. They will then take down the carnival on the 27<sup>th</sup>.

- **Hours of Operation:** Weekdays 5:30 p.m. to 10:30 p.m. & Weekends 1:00 p.m. to 11:30 p.m.
- **Parking:** Parking for the event will be provided by utilizing the old Carl's parking lot located to the south. Staff encourages that "No Parking" signs be placed along Conway and F.M. 495 and that there be early morning trash pick-up throughout the entire site during the "Heart of America Shows" Carnival's tenure.
- The Zoning code states that a carnival site should be a minimum of 300' away from any residentially used property from lot line to lot line. This CUP is compliant to this Code, i.e., there are no homes within 300'.

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

**RECOMMENDATION:** Staff recommends approval subject to:

1. Installation of a perimeter fence/debris stop;
2. Installation of "No Parking" signs along Conway and Griffin Parkway; and
3. Meet Noise, Insurance, and any other related Codes.

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

There was no response.

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

Mrs. Berta Filut stated that this was going to be the 77<sup>th</sup> year of the Texas Citrus Fiesta and gave a brief description as to what was going to take effect during the festivities.

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

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

**Ended: 5:19 p.m.**

**ITEM #1.6**

**Conditional Use Permit:**

**Texas Citrus Fiesta Fun Fair**

**Downtown Area (S. Conway/La Lomita Plaza)**  
**C-3**  
**January 25, 2014**  
**Texas Citrus Fiesta (Berta Filut)**

Mr. Bobby Salinas went over the write up stating that the site for the Texas Citrus Fiesta ‘Fun Fair’ will be located at La Lomita Plaza (Leo Pena Park). Texas Citrus Fiesta organizers will be having their annual ‘Fun Fair’ event on January 25, 2014. The fun fair will include use of the area east of the Chamber of Commerce building and La Lomita Plaza (Leo Pena Park). It will be used for various vendors, Vaqueros’ cook-off and other food vendors. There will be continued trash pick-up throughout the event.

- **Hours of Operation:** 10:00 a.m. to 10:00 p.m.
- **Parking:** Parking for this event will be provided east and north of the Chamber of Commerce building and east of Fallas Paredes.
- The Zoning code requires the ‘Fun Fair’ to be a minimum of 300’ separation from residentially used property from lot line to lot line. There are several residential properties within this radius; thus a waiver of the separation requirement needs consideration.
- **Ch. 10 – Amusements and Entertainment:** Security will be evident as in past events via Mission PD officers (as hired by TCF). Restrooms will be available. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment– will need to be complied with.

**REVIEW COMMENTS:** With sufficient professional security, barricades, lighting, & TCF monitoring, this event will again be very successful and well attended. TCF has assured the City that all aspects of security will be taken care of.

**RECOMMENDATION:** Staff recommends approval subject to:

1. Waiver of the 300’ separation;
2. Must comply with Health and Fire Codes; and
3. Must meet Noise, Amusement and Entertainment, and any other related codes.

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

There was no response.

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

Mrs. Berta Filut stated that this was going to be the 77<sup>th</sup> year of the Texas Citrus Fiesta and gave a brief description as to what was going to take effect during the festivities.

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

**Started: 5:19 p.m.**  
**Ended: 5:31 p.m.**

**ITEM #1.7**

**Conditional Use Permit:**

**To Place a Portable Structure  
For the Sale of Food – Fiesta Grocery  
208 N. Inspiration Road  
Lot 1, Madrigal Subdivision  
C-2  
Valdemar Cantu**

Mr. Bobby Salinas went over the write up stating that the subject site is located 130' north of W. 2<sup>nd</sup> Street along the east side of Inspiration Road within the Fiesta Grocery site. The applicant wishes to place a food cart for the sale of hot dogs on the west side of the Fiesta Grocery store. He is also the person operating the Fiesta Grocery store. Access to the site is from an existing driveway along Inspiration Rd. The existing restroom facilities located within the grocery store will be available.

- **Hours of operation:** Every day from 5p.m. to 10p.m.
- **Staff:** Only the applicant will be running the stand.
- **Parking:** There are approx. 9 spaces available for the grocery store which would be shared with the hot dog cart. There is also plenty of room along the north side of the property, which could be utilized as additional parking if it were properly striped.
- Requires the approval of the Health and Fire Department
- A new business license is required prior to occupancy

**REVIEW COMMENTS:** We have seen several hot dog carts come before us which are also located along Inspiration Road. Staff understands the previous concerns voiced by the P&Z regarding these types of carts. With that in mind and the fact that these types of carts do not improve the aesthetics of the area, it is difficult for Staff to be in favor of this request. We do note however, that we have seen where the City Council has voted in favor of such requests in order to give the applicant's an opportunity to generate some business.

**1<sup>st</sup> RECOMMENDATION:** Denial since this area needs its aesthetics enhanced, not detracted.

**2<sup>nd</sup> RECOMMENDATION:** If P&Z is leaning toward approving the CUP as proposed, then you may consider the following conditions:

1. 1 year approval to assess this new operation, parking, etc.,
2. Re-stripe the entire parking lot;
3. Add some landscaping to help improve the existing site;
4. Approval by the Health Department; and
5. Acquisition of a business license.

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

There was no response.

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

Mr. Valdemar Cantu was present to address any questions from the Board.

Chairman Rene A. Flores explained the reasons why he was inclined in denying the conditional use permit.

Mr. Ned Sheats asked Mr. Cantu if he was going to take the cart to the site on a daily basis.

Mr. Valdemar Cantu replied that he would be placing the cart inside the store on a daily basis and that it would only be in operation between the hours of 5:00 p.m. and 10:00 p.m.

Mr. Ned Sheats stated that in his opinion this was just a hot dog cart and he wouldn't see a problem approving it.

Mr. Daniel Tijerina stated that if the board was inclined in approving the conditional use permit, they could consider the 2<sup>nd</sup> recommendation.

Chairman Rene Flores stated that he was still inclined in denying the conditional use permit and that maybe all those requirements should be imposed to the property owner.

Mr. Valdemar Cantu stated that he was also renting the store and that he would talk to Mr. Oscar Madrigal the property owner, about the requirements.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's 2<sup>nd</sup> recommendation. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Bobby Salinas stated that being that there were several conditional use permit renewals; he would like to read only the caption and the recommendation if it was okay with the board; and then at the end of presenting all of them they could make the motion to approve or deny the conditional use permits.

**Started: 5:31 p.m.**

**Ended: 5:49 p.m.**

**ITEM #1.8**

**Conditional Use Permit Renewal:**

**To Keep a Second Residence to Maximize Health  
Care & General Assistance to Stricken Parents  
406 W. 22<sup>nd</sup> Street  
Lot D, Northside Subdivision No. 2  
R-1  
David Garza**

Mr. Bobby Salinas went over the write up stating that the subject site is located at the NE corner of Peace Avenue and W. 22<sup>nd</sup> Street. The lot has 130' of frontage to W. 22<sup>nd</sup> Street and a lot width of 60'. Immediately to the north the property is abutted by an irrigation easement that is 130' x 30' in size. Mr. Garza has had his 16' by 74' mobile home on the property since the CUP was first approved in 2004. The applicant resides therein to be vigilant to his parents' health care, and currently his mom is still undergoing dialysis three times a week and is need of assistance on a daily basis. This CUP was approved by P&Z on 9-8-10 for a period of 3 years.

**REVIEW COMMENTS:** Upon a site inspection, staff interviewed the applicant's mother where she stated that her son has continued to help her with her dialysis. We attest that no complaints have been registered since the mobile home was moved in. The mobile home's utilities are linked to the primary home.

**RECOMMENDATION:**

Staff recommends approval subject to: 1) 5 year approval; 2) Once the need is no longer evident, the structure is to be removed within 30 calendar days and replaced with similar type grass (sod); and 3) Not to be used as a rental structure,

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

There was no response.

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

There was no response.

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

**Started: 5:34 p.m.**

**Ended: 5:48 p.m.**

**ITEM #1.9**

**Conditional Use Permit Renewal:**

**To Keep 2 Mobile Homes for  
Ranch & Security Purposes  
3301 N. Glasscock Road  
6.08 acre out of Lot 291,  
John H. Shary Subdivision  
AO-I  
Kirk & Jeri Clark**

Mr. Bobby Salinas went over the write up stating that the property is located approximately ¼ mile north of N. 2 Mile Road along the east side of Stewart Road. The applicants have had two mobile homes (a 16' x 70' and a 24' x 70') on the property since 2005. The smaller mobile home is occupied by an employee who maintains the horse barn and livestock located on the west end of the property. The other mobile home is used for personal and family use during the holidays and on weekends. They are soliciting renewal of their Conditional Use Permit to continue to keep the two Mobile Homes on the property. Their CUP was approved for a period of 5 years back on 3-12-08.

Section 1.36(a) AO-I 'Interim Agriculture Use District', *Permitted uses*, states: 'farming, ranching, related activities, and accessory uses including the owner's single family dwelling plus any housing for employees working on the premises'. The placement of mobile homes on five or more acres requires the acquisition of a CUP.

**REVIEW COMMENTS:** There have been no incidents at this location to report since the original approval of the CUP back on 2-9-05. Since the 5 year term seemed to work well in the past and since this scenario should be likened to that of a mobile home moved in to take of an elderly person; it would be wise to re-evaluate the CUP after a few years in order to assess the need of the mobile homes.

**RECOMMENDATION:** Staff recommends an approval subject to: 1) 5 years approval and 2) shall not have separate water or electrical meters.

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

There was no response.

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

Mr. Kirk & Jeri Clark were present to answer any questions from the board.

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

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

**Ended: 5:48 p.m.**

**ITEM #2.0**

**Conditional Use Permit Renewal:**

**Portable Building – Sale of Water**

**1901 W. 3 Mile Road**

**Lot 11, Block 4, Taurus Estates #9 Phase I**

**C-3**

**Gilberto Espinoza (Watermill Express)**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Inspiration Road and 3 Mile Rd (the Leo's Drive-In Convenience Store). The applicant has a self-sustained, fully automated, "Watermill Express" (8' diameter portable structure) for the sale of purified water. The structure is located just west of the store and the 10' corner setback has been met-see site plan. This CUP's most recent renewal approved by P&Z on 10-13-10 subject to a 3yr. re-evaluation and acquiring a business license.

- **Hours of Operation:** Everyday - 24-hours a day.
- **Staff:** Watermill technicians conduct service inspections on a daily basis to ensure that the water dispensing unit is clean and functioning properly.
- **Parking and Landscaping:** Parking and landscaping codes are being met.
- There have been no traffic safety issues since its inception.

**REVIEW COMMENTS:** This Water Express has been in operation since 2009 with no incidents. Staff does not object to an approval for 'life of use'.

**RECOMMENDATION:** Approval for 'Life of Use'.

(NOTE: Even for 'Life of Use' CUPs, the City holds the authority to revoke the permit if there are ever any negative incidents/issues.)

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

There was no response.

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

Mr. Gilberto Espinoza was present to address any questions from the Board.

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

**Started: 5:36 p.m.**

**Ended: 5:48 p.m.**

**ITEM #2.1**

**Conditional Use Permit Renewal: To Keep an 11' x 64' Portable Building  
For use as a Sales Office  
1519 E. Expressway 83  
Lot 4, Henry Saenz Subdivision  
C-4  
Jose H. Acosta**

Mr. Bobby Salinas went over the write up stating that the subject site is located 600' west of Stewart Rd. along the north side of the Expressway 83 Frontage Road. The site is currently used as a sales office for the rental and sales of R.V.s. The portable building is located 103' from the property line which allows for the front area to be utilized for R.V. displays. Access to the site is off of the frontage Rd. and shared with an existing business to the west.

- **Hours of Operation:** Monday – Friday from 8 a.m. to 6 p.m., Saturday from 9 a.m. to 4 p.m. & closed on Sundays.
- **Staff:** 3 employees
- **Parking:** A business office of this size requires a minimum of 5 parking spaces. The applicant is providing 5 total spaces, thus compliant with code.
- **Landscaping:** During the last approval, the applicant agreed to install landscaping along 25% of the street frontage area in order to improve what is currently in existence. He did as requested and is in compliance with his landscaping requirement.

**REVIEW COMMENTS:** There are other portable buildings installed in this area and it is not uncommon to have a portable sales office for this type of business. The R.V.s being displayed along the front of the lot and the portable building being 103' away from the Frontage Rd., help shield the portable building from public view. Staff has not received any comments for or against the portable building.

Staff knows that having a portable sales office along Expressway 83 may not be a long term desire of the City when considering aesthetics along a major corridor. However, we do not object to a longer term for this business until, one day the portable will need to be upgraded with an on-site built structure.

**RECOMMENDATION:** Staff recommends approval subject to: 1) 3 year approval and 2) continue to maintain the new landscaping along the front area of the property.

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

There was no response.

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

Mr. Jose H. Acosta was present to address any questions from the Board.

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

**Started: 5:36 p.m.**

**Ended: 5:49 p.m.**

**ITEM #2.2**

**Conditional Use Permit Renewal:**

**Manufacturing & Re-Packaging of  
Peanuts, Chicharrones, etc. in a C-4 Zone  
715 N. Glasscock Road, Ste. 5  
Lot 5, 83 International Business Plaza Subdivision  
C-4  
Sazon Latino**

Mr. Bobby Salinas went over the write up stating that the subject site is located within a warehouse plaza 765' south of U.S. Business 83 and west along "C" Street. The applicant is proposing to manufacture, process, & re-package, and store peanuts, chicarrones, etc. within a warehouse suite. The target customers will be those that will purchase large quantities for their own businesses. The Zoning Code states the following under I-1 (Light Industrial): "The manufacturing...processing, packaging...of such products such as...food products..."are permitted uses. The proposed site is zoned C-4 which allows any of the uses permitted in I-1 (Light Industrial) as a CUP, thus the reason for the CUP requirement. This CUP's most recent approval was on 12-12-12 for a period of 1 year.

- **Hours of Operation:** Monday – Saturday from 8a.m. to 5:00p.m.
- **Staff:** 5 employees
- **Parking:** Parking is held in common and is shared with other businesses-see site plan. We note that the proposed use will only be to customers purchasing products in large quantities, and the # of employees can be easily accommodated on the existing parking area.
- Must continue to comply with all Building, Fire, and Health Codes.

**REVIEW COMMENTS:** The business has been functioning well for the past year, where staff has not received any complaints in regards to the manufacturing and re-packaging of the food products. If P&Z is so inclined, staff would not object to an approval for the ‘Life of Use’ of the business, if not, a 3 year approval would be in order.

**RECOMMENDATION:** Staff recommends approval for ‘Life of Use’.

Chairman Rene A. Flores stated that being that this business just started last year, he was more inclined to approve it for 3 years instead of life of use.

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

There was no response.

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

Mr. Jesus Pardo Chavez was present to address any questions from the Board.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit subject to a 3 year re-evaluation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:38 p.m.**

**Ended: 5:48 p.m.**

**ITEM #2.3**

**Conditional Use Permit Renewal: Drive-Thru Convenience Store & Hotdog Cart  
1705 W. Griffin Parkway  
Lot 2, Barrera Subdivision &  
Lot 74, Las Misiones Subdivision  
C-3  
Florestella Martinez**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Kirk Avenue and Griffin Parkway. The subject site currently has an existing drive-thru convenience store and hot dog cart. Access to the site is provided off of Griffin Parkway through an existing 16’ concrete driveway. The building measures 40’ by 45’ for a total of 1,800 square feet. This CUP was most recently approved on 9-12-12.

- **Days / Hours of operation:** Monday – Friday from 10a.m. to 12a.m.; Saturday from 10a.m. to 1a.m. and Sunday from 12p.m. to 12a.m.
- **Staff:** 4 employees
- **Parking:** A total of 8 parking spaces have been provided and are in compliance to code.
- **Landscaping:** The new applicant had installed 3 new trees along Kirk Avenue, as one of the requirements, and has been maintaining them.

**REVIEW COMMENTS:** This business has been in operation since 2010 and staff has not received any comments for or against this business. Staff does not object to a longer CUP tenure for this business.

**RECOMMENDATION:** Approval subject to: 1) 3 yr. approval; and 2) Continue to maintain the landscaping.

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

There was no response.

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

Mrs. Florestella Martinez was present to address any questions from the Board.

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

**Started: 5:39 p.m.**

**Ended: 5:48 p.m.**

**ITEM #2.4**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages & Drive-Thru Service Window  
– Pollito Grilled Chicken  
2701 E. Griffin Parkway  
Lot 14, Adams Crossing Subdivision  
C-3  
Pollito Grilled Chicken, LLC**

Mr. Bobby Salinas went over the write up stating that the subject site is located 800' west of Taylor along the north side of Griffin Parkway within an existing commercial plaza. This CUP's most recent approval by P&Z was on 8-22-12

- **Days / Hours of operation:** Monday through Saturday 11:00 a.m. to 10:00 p.m. & Sunday from 11:00 a.m. to 4:00 p.m.
- **Staff:** 6 employees
- **Sale of Alcohol:** Staff has requested an incident report from Mission PD in regards to the sale and on-site consumption of alcohol. Based on the PD's report there have been no incidents on this site.

**REVIEW COMMENTS:** Staff does not object to a CUP for the life of the use due to:

- The primary intent of this business is for a family restaurant. Notice the hours of operation. The sale of alcohol is merely available to offer with the food.
- We've recently approved CUPs for life of use with similar franchise type restaurants (Genghis Grill, Freebirds, etc.)

- There have been no incidents since the restaurant has been open in regards to the sale of alcohol or the drive-thru.

**RECOMMENDATION:** Approval for ‘life of use’.

(NOTE: Even in ‘Life of Use’ CUPs, the City holds the authority to revoke the CUP if there are ever any negative incidents/issues.)

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

There was no response.

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

There was no response.

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

**Started: 5:40 p.m.**

**Ended: 5:48 p.m.**

**ITEM #2.5**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window  
- Taqueria La Mexicana  
305 W. Griffin Parkway  
Lot 1-E, Mission Park Plaza Subdivision  
C-3  
Taqueria La Mexicana, Inc.**

Mr. Bobby Salinas went over the write up stating that the subject site of Taqueria La Mexicana is located 650’ west of the Conway along the south side of Griffin Parkway. The applicant has a 4,930 sq. ft. building with a *drive-thru window* and menu board on the east side of the building. Access to the site is provided through an existing 25’ entrance from Griffin Parkway. The (10’) drive-thru lane is located along the south and east side of the building with the window’s location stacking 5+ vehicles. P&Z approved a renewal of this CUP on 9-22-10 with a 3 year re-evaluation in order to assess the operation. The applicant is also requesting renewal for the *sale and on-site consumption of alcohol* with meals.

- **Days / Hours of Operation:** Sunday - Thursday from 10:30 a.m. to 11:00 p.m. and Friday & Saturday from 10:30 a.m. to 12:00 a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 50 employees
- **Parking and landscaping:** The number of parking spaces required for a building this size is 45. The applicant is providing 71 spaces exceeding code. It is also noted that the parking area is held in common and access to the site is provided through existing, interlocking parking lots from Dollar General and a commercial plaza. The site is also in compliance with the landscaping code.

- **Sale of Alcohol:** As with any other CUP involving the sale and on-site consumption of alcohol, Staff has requested a report of incidents from Mission PD. There have been no negative incidents relating to the CUP within its approved tenure.

**REVIEW COMMENTS:** The intent is to establish a family oriented Mexican restaurant where alcoholic beverages would be available to customers. Please notice the closing hour which is further indicative of their target market. Since the sale of alcohol is not the primary use and there have been no incidents reported in the previous 3 years, Staff does not object to this proposal for a life of use for both the drive-thru window and the sale of alcohol.

**RECOMMENDATION:**

Staff recommends approval for life of use.

(NOTE: Even in a life of use CUP, the City holds the authority to revoke the CUP if there are ever any negative incidents/issues.)

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

There was no response.

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

Representing the applicant, Mr. Roberto Delgado was present to address any questions from the Board.

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

**Started: 5:41 p.m.**

**Ended: 5:50 p.m.**

**ITEM #2.6**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Taos La Silla Restaurant  
808 W. Expressway 83  
Lots 5 & 6, Block 4, Erdahl Subdivision  
C-3  
Tacos La Silla, LLC**

Mr. Bobby Salinas went over the write up stating that the subject site is located 100' from Holland Road along the north side of Expressway 83. The existing Tacos La Silla Restaurant has been in operation since 2009. They have been offering alcoholic beverages with meals since 2012. Access to the site is provided from an existing 25' driveway off of Expressway 83.

- **Hours of Operation:** Monday – Saturday from 6:30 a.m. to 9 p.m. & Sundays from 8 a.m. to 4 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 10 employees; 2 shifts

- **Parking & Landscaping:** In viewing the floor plan, the restaurant has a total of 48 seats which requires 16 parking spaces (48/3 seats = 16 spaces). It is noted that the parking area is held in common (29 existing parking spaces) and is shared with other businesses. The site has 4 shade trees along the Expressway area, thus compliant to the City's previous landscaping requirements.
- **Sale of Alcohol:** Staff has requested a report of any incidents at Taco La Silla from Mission PD. According to their report, there were no incidents reported in regards to the sale and on-site consumption of alcohol. There are also no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

**REVIEW COMMENTS:** Since the restaurant is more of a family oriented venue (not open after 9 p.m.); the sale of alcohol is not the primary item of purchase; and Mission PD did not have any negative issues to report, staff does not object to a longer approval period.

**RECOMMENDATION:**

Since there have been no incidents in the past year, Staff recommends approval for 3 years.

Chairman Rene A. Flores stated that he wouldn't have a problem approving it for life of use.

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

There was no response.

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

Mr. Alfonso Pena was present to address any questions from the Board.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit for Life of Use. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:42 p.m.**

**Ended: 5:50 p.m.**

**ITEM #2.7**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – El Costeño Restaurant  
1522 E. Expressway 83, Suites 108 & 109  
Lot 3, Stewart Plaza Subdivision  
C-3  
Muelle Del Pacifico, LLC**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Stewart Road and Expressway 83. There is an existing commercial plaza located on the site which has an existing 3,909.60 sq. ft. seafood restaurant that offers the sale and on-site consumption of alcohol. Access to the site is provided from a 38' driveway off of Expressway 83.

- **Hours of Operation:** Every day from 11:00 a.m. to 2:00 a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 15 employees; 2 shifts
- **Parking:** In viewing the floor plan, the 3,909 sq.ft. restaurant/bar requires a total of 52 parking spaces (3909/75sq.ft. = 52 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- Must continue to comply with all City codes.

**REVIEW COMMENTS:** The restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There are no churches, schools, publicly owned property or residences within the 300'. Staff also asked Mission PD for a report of any incidents for this business. No incidents were reported as per Chief Dominguez. For these reasons, Staff would not object to a longer tenure.

**RECOMMENDATION:**

Staff recommends approval subject to: 1) 1 yr. approval; and 2) Continue to comply with all City codes;

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

There was no response.

Mrs. Marisela Marin stated that it showed that there was a dance floor.

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

Representing the applicant, Ms. Nataly Barrera clarified that the stage was only for band performances, but that there was no dance floor.

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

**Started: 5:46 p.m.**

**Ended: 5:48 p.m.**

**ITEM #2.8**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages - Buda's Sushi Bar & Night Club  
1522 E. Expressway 83, Suite 113  
Lot 4, Stewart Plaza Subdivision  
C-3  
Sora, LLC**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Stewart Road and Expressway 83. There is an existing commercial plaza located on the site which has

an existing 2,119.90 sq.ft. sushi bar that offers the sale and on-site consumption of alcohol. Access to the site is provided from a 38' driveway off of Expressway 83.

- **Hours of Operation:** Monday – Saturday from 6 p.m. to 2:00 a.m., Closed on Sundays. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 15 employees
- **Parking:** In viewing the floor plan, the 2,119.90 sq.ft. restaurant/bar has a total of 131 seating spaces which require 44 parking spaces (131 seats/3 = 43.6 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** The restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There are 4 residential lots that are within the 300'. P&Z and City Council waived the separation requirement during the CUP's previous approval.
- Staff also asked Mission PD for a report of any incidents for this business. No incidents reported per Chief Dominguez.
- Must continue to comply with all City codes.

**REVIEW COMMENTS:** In speaking to the applicant, they mentioned that the restaurant has turned more into a night club and less of a restaurant. They stated that they would not be utilizing the kitchen as much, unless customers request orders.

Since this is more of a bar and less of a restaurant, and since this will be the first time they shut down the kitchen, Staff recommends approval for 1 year, subject to the Mission PD's report.

**RECOMMENDATION:**

Staff recommends approval subject to: 1) No objection to waiver of the 300' separation requirement; 2) 1 yr. approval; and 3) must continue to comply with all City codes.

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

There was no response.

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

Representing the applicant, Mr. Alejandro Millan was present to address any questions from the Board.

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

**Started: 5:51 p.m.**

**Ended: 5:55 p.m.**

**ITEM #3.0**

**Site Plan Approval:**

**Construction of 34 Apartments  
Lot 1, Ango Subdivision (U/R)  
R-3**

**Mario Amaya**

Mr. Bobby Salinas went over the write up stating this property is located 600' west of Shary Road along the south side of Selena Street.

**PROPOSAL:** The owner wishes to build 1 two story complex containing 34 apartments. There will be 14 one bedroom apartments, 14 two bedroom apartments and 6 three bedroom apartments all equating a total area of 34,898 sq.ft. All units shall be divided by a minimum of 1 hr. rated firewalls. The developer is proposing a private and gated apartment complex with a set of gates along the east and west sides of the lot. The gates shall be approved by the Fire Marshal.

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

**PARKING:** The 34 units are calculated to require 68 parking spaces based on the 2:1 parking ratio. The applicant is proposing 31 spaces along the front of the apartments, and 39 spaces along the rear for a total of 70 spaces, exceeding code by 2.

**LANDSCAPING:** The landscaping code requires 1 tree for every two units, thus requiring 17 shade or ornamental trees. The applicant is proposing a combination of trees, plants, and shrubs being a minimum of 7' tall - 3" caliper trees within the landscape areas along Selena St.

**OTHER COMMENTS:**

The following amounts are required to pay for the 34 units.

- Capital Sewer Recovery Fee in the amount of \$3,500.00 (14 one bedroom apartments X \$70.00 = \$980.00, 14 two bedroom apartments X \$120.00, and 6 three bedroom apartments X \$140.00 = \$840.00)
- Park Fees in the amount of \$10,200.00 (\$300.00/34 apartments)
- This development requires 5' sidewalks along Selena St.

**RECOMMENDATION**

Staff recommends approval subject to: **1)** Recording Ango Subdivision; **2)** Payment of the Capital sewer recovery and park fees; **3)** Gates to be approved by the Fire Marshal's office' and **4)** Provide one 7' – 3" caliper shade tree for every 2 apartments.

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

Mrs. Marisela Marin asked staff if the apartments were going to be facing the open lake.

Mr. Bobby Salinas replied that they will but that the applicant was proposing to fence the front of the units.

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

Mr. Rene Barrera, P.E., the project engineer, was present to address any questions from the Board.

Mr. Ned Sheats stated that this area has had a lot of drainage problems and quick runoff to the streets and he was wondering how they were going to fix that.

Mr. Rene Barrera replied that they were proposing to hinder that with inside detention and bleed it out to an existing system on the east side of the property.

Mr. Ned Sheats replied that it would work for him.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the site plan approval as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:55 p.m.**

**Ended: 6:06 p.m.**

**ITEM #4.0**

**Preliminary & Final Plat Approval:**

**Stewart Oaks Subdivision**

**A 4.60 acre tract of land out of**

**Lot 261, & an abandoned canal ROW**

**Adjacent to Lot 261, John H. Shary Subdivision**

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

**Developer: Meza Homes, Inc.**

**Engineer: Javier Hinojosa Engineering**

Mr. Bobby Salinas went over the write up stating that the subject site is located ½ mile north of Griffin Parkway along the east side of Stewart Road. The proposed subdivision consists of 15 large lot single family residential lots. Each lot ranges from 8,508.50' sq.ft. to 11,647.50' sq.ft. The project engineer is asking for several variances on behalf of the developer as follows:

**VARIANCE #1 - To allow the subdivision to be private and gated.** The subdivision code states that a *“Lot means an undivided tract or parcel of land having frontage on a public street...”* We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to this variance.

**VARIANCE #2 – To allow a cul-de-sac longer than 600' and a street off-set less than 125'.**

The subdivision code states that a cul-de-sac shall be no more than 600' feet in length and shall be off-set from existing streets no less than 125'. This proposal has a 1,230' cul-de-sac and a street that is 116' away from another street intersection. Since this proposal is for 15 residential lots, will be private and gated, and we've seen similar cases within the City where such cul-de-sacs have been approved, Staff does not object to this variance request.

**VARIANCE #3 - A variance from the lot length requirement.** The lot areas range from 8,508.50' to 11,647.50'. These lot areas are consistent with the minimum R-1A *area* requirements. However, the length requirement of 120' is not being met due to the limited frontage along Stewart Rd. minus the minimum 50' ROW required by the City's Subdivision code. Staff does not object, since all lots are exceeding the overall area requirements of R-1A.

**WATER:** The developer is proposing water service with a new internal 8” waterline network that will connect to an existing 8” water line located along the west side of Stewart Rd. and will provide a secondary loop to the system by connecting to an existing 8” line located within the existing City of Mission Drainage ROW located along the east side of the proposed subdivision. The developer is also proposing 3 new fire hydrants located via the direction of the Fire Marshal’s office.

**SEWER:** An 8” sewer line network will be installed within the subdivision which will then connect into an existing 8” sewer line located along the east side of the subdivision, within the City’s Drainage ROW. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$3,000.00 (\$200.00 X 15 Lots).

**STREETS & STORM DRAINAGE:** The subdivision has access to Stewart Rd., a future 80’ ROW, 57’ B/B street. The developer will be dedicating an additional 20’ of ROW along Stewart Rd. to equate to the minimum 40’ from centerline as required by the Hidalgo County Thoroughfare Plan. The subdivision consists of a 50’ (ROW), 32’ B/B paved street. The main entrance will be 40’ B-B to allow for a gate entrance. We note that the gates will need to be approved by the Planning, Public Works, and the Fire Marshal’s office. Storm drainage is accomplished through a series of 24” storm lines and inlets which will connect into an drainage ditch system currently located on the east side of the subdivision.

**OTHER COMMENTS**

- Park Fees - \$300.00/Lot = \$4,500.00
- Escrow 5’ sidewalk along Stewart Rd. in the amount of \$1,446 (120.5’ X \$12L.F.)
- Escrow street widening for Stewart Rd. in the amount of \$8,971.95 (102.01’ X \$55.90L.F.)
- Must pay lift station reimbursement in the amount of \$433.75 via Mayberry Manor Subdivision reimbursement contract.
- 6’ opaque fence buffer required along the east side of the subdivision due to the existing drainage ditch.
- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Water District Exclusion
- Must comply with all other format findings

**RECOMMENDATION**

Staff recommends approval subject to: **1)** no objection to Variances 1-3, subject to meeting private street policy, **2)** must provide escrows for Stewart Rd. widening and 5’ sidewalks along Stewart Rd., **3)** must pay capital sewer recovery and park fees, **4)** must pay reimbursement fees, **5)** provide water district exclusion, and **6)** comply with all other format findings.

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

Mr. Ned Sheats asked if the partial cul-de-sac was already approved by the Fire Marshal.

Mr. Bobby Salinas replied that being that the applicant was providing enough pavement on the north side of the street, the Fire Marshal had already approved the proposal.

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

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

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mrs. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 6:14 p.m.**

**ITEM #5.0**

**Preliminary & Final Plat Approval: Tres Picos Subdivision, Ph. I  
 A 4.10 acre tract of land out of  
 Lot A, Park Subdivision  
 AO-I (C-3 & R-2 proposed)  
 Developer: Tres Rios, LLC  
 Engineer: Nain Engineering**

Mr. Bobby Salinas went over the write up stating that the subject site is located approximately 1,000' west of Taylor Rd. along the north side of Griffin Parkway (the old Mr. Fun's site). The proposed subdivision consists of 5 lots (1 commercial and 4 lots for apartments). The commercial lot area equates to 81, 972.8 sq.ft. (1.88 acres) and the other 4 lots ranges from 7,712 sq.ft. to 11,286.08 sq.ft. The project engineer is asking for a variance on behalf of the developer **to allow the residential portion of the subdivision to be private and gated.** The subdivision code states that a lot requires frontage on a "public" street. We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to the proposed variance.

Though the developer wishes to plat the property into phases, he is proposing to complete the utility work for the entire property.

**WATER:** The developer is proposing water service by installing a new 8" line along the east side of the proposed street to serve the new lots. The new line will connect to an existing 8" water line located along the west side of the proposed street from the existing 3A Subdivision and will provide a secondary loop to the system by connecting to an existing 8" line that is tapped on the south side of Griffin Parkway. The developer is also proposing 5 new fire hydrants located via the direction of the Fire Marshal's office.

**SEWER:** An 8" and 10" sewer line network will be installed within the subdivision which will then connect into an existing 10" sewer line located east of the subdivision, within Las Canteras Estates. The Capital Sewer Recovery Fee is normally charged by the number of bedrooms in each apartment. Unless the developer can give us a number of bedrooms per apartment, staff will require \$200/Lot to be paid, where any additional costs will be paid by the owner of the lot at building permit stage which equates to \$800.00 (\$200.00 X 4 Lots). Also, the commercial lot is charged at \$750/acre, which equates to \$1,410.00 for Lot 1.

**STREETS & STORM DRAINAGE:** The subdivision has access to Griffin Parkway, a future 100' ROW, 65' B/B street. The developer will need to dedicate an additional 10' of ROW along Griffin

Parkway to equate to the minimum 50' from centerline as required by the Hidalgo County Thoroughfare Plan. The subdivision consists of a single street along the west side of the property that begins with a 60' public ROW, 41' B/B street that reduces to 50' ROW, 32' B/B paved street. The 41' main entrance will allow for two gates and an island to be installed at the northern end. We note that the gates will need to be approved by the Planning, Public Works, and the Fire Marshal's office. Storm drainage is accomplished through a series of 24" & 30" storm lines and inlets which will connect into a drainage ROW. The developer is providing an outfall of the storm system by tying into an existing 36" drain line located along the north side of Lot "A".

**OTHER COMMENTS**

- Park Fees - \$300.00/per HUE = \$4,200.00
- A 5' sidewalk will be required along the east side of the proposed street during the building permit stage.
- An opaque fence buffer will be required between commercial and residentially zoned/used properties.
- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Water District Exclusion
- Must comply with all other format findings

**RECOMMENDATION**

Staff recommends approval subject to: **1)** No objection to private street variance, subject to meeting private street policy, **2)** Must pay capital sewer recovery and park fees, and **3)** Must comply with all other format findings.

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

There was no response.

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

Mr. Guillermo A. Arratia, P.E. from Nain Engineering was present to address any questions from the Board.

Chairman Rene A. Flores stated that being that the property was on a Major Thoroughfare, and he knows that the landscaping on the site is extremely bad and he would like to see if the property could be cleaned and maintained cleaned during the construction.

Mr. Guillermo A. Arratia stated that the whole property would be cleaned.

Mr. Bobby Salinas stated that there were work orders pending and that staff had informed the new owner about them.

Mr. Ned Sheats asked where the parking was being proposed at.

Mr. Guillermo A. Arratia replied that they were proposing to install the parking on the east side of the property.

Mr. Ned Sheats stated that please be aware that on the lots on the east side most of the lots back up to the alley and he would like for the owner to be aware of that.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mrs. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #6.0**  
**ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:15 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission