

**PLANNING AND ZONING COMMISSION
FEBRUARY 12, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Rene A. Flores

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna
Arturo Lerma
Daniel Sanchez

GUEST PRESENT

Ruben Canales
Jorge D. Perez
Ruben Trevino
Bruce Bridgewater
Sylvia Hornbuckle

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 JANUARY 22, 2014

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for January 22, 2014. Mr. Mario Garza moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:04 p.m.

ITEM #1.1

Rezoning:

**16.970 ac. out of Lot 26-5,
West Addition to Sharyland Subdivision
AO-I to P
Idea Public School
c/o Melden & Hunt, Inc.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 2,000' north of Griffin Parkway along the east side of Holland Road.

SURROUNDING ZONES:	N:	AO-I	- Agricultural Open Interim
	E:	R-4	- Mobile & Modular Home
	W:	R-1	- Single Family Residential
	S:	R-1	- Single Family Residential
	Site:	AO-I	- Agricultural Open Interim

EXISTING LAND USES: The existing land uses consist of single family homes to the west and to the south, mobile homes to the east, and the Mission Drainage Lateral to the north. The subject site is currently open acreage.

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

REVIEW COMMENTS: On August 13, 2012, City Council created a new Zone which requires all public facilities such as City, County, Federal buildings; and Schools to fall within this zone. IDEA Public School is proposing to change the zone from AO-I to P in order to be in compliance with the new Public Zone ordinance. They are proposing to build a new IDEA Public School campus at this location.

Though, the Future Land Use Map shows this area for low density residential, schools and other such institutional uses are usually found in or within these residential areas. Notices were sent to property owners within 200' of the site. Staff has not received comments for or against this proposal.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

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

Representing Idea Public School, Mr. Ruben Canales from Melden & Hunt, Inc. was present to address any questions from the Board. He added that this site was for an Idea Public School and it is scheduled to open in 2016.

Vice-Chairman Ned Sheats stated that his concern was the traffic because the road was very narrow.

Mr. Daniel Tijerina stated that when he worked in San Juan he had the opportunity to work on an Idea Public School Project in which Melden & Hunt were the Engineers and they did a very good job in containing the movement of traffic within the school. Mr. Tijerina stated that staff would be working with Melden & Hunt to assure that the impact on traffic is very minimal and that there won't be any stacking of vehicles on Holland Road like at other existing school sites. Mr. Tijerina mentioned that staff would be looking very closely to have the drop-off and pick-up on site versus on the main road.

Vice-Chairman Ned Sheats stated that he was glad staff was looking at that very closely.

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

Started: 5:09 p.m.

Ended: 5:09 p.m.

ITEM #1.2

Rezoning:

A 3.0 acre tract of land being the E. 254'

**of the N. 514.49' out of Lot 16-9,
West Addition to Sharyland Subdivision
AO-I to C-3
Perez Consulting Engineers**

Mr. Daniel Tijerina asked that no action be taken on this item since it would be seen on the 26th of this month.

Started: 5:09 p.m.

Ended: 5:12 p.m.

ITEM #1.3

Rezoning:

**Lots 1-12, Block 60,
Mission Original Townsite
(Mission Options Academy/Roosevelt)
R-1 to P
Mission C.I.S.D.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is an entire block located between Oblate & Francisco and 3rd & 4th Street. This area is the site for Mission Options Academy and Roosevelt Alternative School

SURROUNDING ZONES: The Current zone in all directions is (R-1) Single Family Residential.

EXISTING LAND USES: The surrounding land uses consist of single family homes in all directions. The subject site is the location for Mission Options Academy and Roosevelt Alternative School and consists of other accessory facilities.

FLUM: The Future Land Use Map reflects a Public (P) designation.

REVIEW COMMENTS: On August 13, 2012, City Council created a new Zone, which requires all public facilities such as City, County, Federal buildings, schools to fall within this zone. MCISD wishes to comply with this new zoning requirement.

The P zone proposal and the existing use are directly consistent to the City's Future Land Use designation of Public (P). The existing school use and any future construction/use is exactly what the P zone is intended to regulate.

RECOMMENDATION: Staff recommends approval.

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

There was no response.

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

Representing Mission CISD, Mr. Ruben Trevino from Facilities stated that he was present to address any questions from the Board.

Vice-Chairman Ned Sheats asked if this was a new school or was it all built out.

Mr. Trevino stated that the school has been in existing for a long time.

Mrs. Marisela Marin asked if the City required the rezoning.

Mr. Trevino replied, "Yes".

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.

Started: 5:12 p.m.

Ended: 5:23 p.m.

ITEM #1.4

Conditional Use Permit:

**To install 3 new 35' Rohn Towers to provide
Wi-Fi service to Lemon Tree R.V. Inn
1740 E. Business Hwy. 83
Lemon Tree R.V. Park Subdivision
R-4
Lemon Tree R.V. Inn**

Mr. Daniel Tijerina went over the write-up stating that the site is located 100' west of San Antonio Ave. along the south side of Business Hwy. 83 (Lemon Tree R.V. Inn). Access to the site is provided through Business Hwy. 83. Coba Systems is proposing to install 3 – 35' tall self-supported Rohn towers within Lemon Tree R.V. Inn in order to provide Wi-Fi service to the entire park. The three towers will be privately owned and maintained by Lemon Tree R.V. Inn and will be completely within the R.V. park property.

Review Comments: Since the towers will be within private property, and the overall height is very similar to other towers that are within the City, Staff does not object to the installation of the new privately owned towers for Wi-Fi service to Lemon Tree R.V. Inn.

Staff's Recommendation: Staff recommends approval.

Mr. Tijerina stated that staff did confer with contractor and the City Attorney as to how to handle this request whether to issue a building permit or bring it to P&Z and the direction given to us by legal was to have the Planning and Zoning Board act on this conditional use permit request.

Mrs. Marisela Marin asked Mr. Tijerina what he meant with being conditional to what.

Mr. Tijerina stated that it was subject to any regulation that P&Z or staff might want to add for the installation such as limiting the height, etc.

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

There was no response.

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

Mr. Bruce Bridgewater from Coba Systems in McAllen was present to address any questions from the Board.

Mrs. Marisela Marin asked Mr. Bridgewater why they were considering a tower and not underground wire.

Mr. Bridgewater stated that the nature of their infrastructure with association to AT&T and Time Warner in the Valley as it relates to RV parks was very poor. He added that they don't wish to upgrade any of their infrastructures on a regular basis because they only have a limit amount of time to draw revenue from the tenants and also the tenants don't want to sign 1 year contracts. Mr. Bridgewater stated that one of the amenities that most of the RV Parks need to have in order to be competitive is Wi-Fi. He mentioned that the owner of the park had hired them because what he does was purchases high speed internet with fiber optic cable into a property and we distributed to the tenants using commercial grade Wi-Fi radios so that the tenants get this amenity for free.

Mrs. Marisela Marin asked if the infrastructure was very old in the RV Park or AT&T thought it was very expensive to replace the infrastructure.

Mr. Bridgewater stated that the infrastructure in the RV Park didn't have any AT&T or Time Warner. He added that mostly it was Time Warner but both of them didn't want to spend the money to build the infrastructure in an RV Park that is seasonal. He mentioned that was the reason they hired them because they had partnered with AT&T and Time Warner a good example of this would be Victoria Palms in Donna they don't have Time Warner in the whole park so we installed about 21 towers just so they could get Wi-Fi to them. He mentioned that the towers were structured and placed strategically because of the amount of power that is regulated by the FCC in which they could broadcast. Mr. Bridgewater stated that the problem was not so much where are towers go and how far our towers broadcast because those radios could broadcast about 7 miles, the problem is what's inside the telephones or laptops. He added that those radios cannot go more than 200' that is why the towers are situated no more than 400' from each other to make sure that everyone is covered and could have good reception.

Vice-Chairman Ned Sheats stated that he didn't want to set precedence for the other RV Parks and asked if staff had done any research on these types of conditional use permits.

Mr. Tijerina stated that this was the first request of its kind and that was the reason staff conferred with the City Attorney as to how to handle the request and the direction was to have them apply for a conditional use permit that way the City would have more control as far as the height, specifications, etc. He added that conditional use permit by norm were usually approved for 1 year, although there would be substantial cost going into this project. Mr. Tijerina asked Mr. Bridgewater how much this project was going to cost.

Mr. Bridgewater stated that the estimated project cost would be \$39,000.

Mr. Tijerina stated that the City will regulate this on a case by case and staff would be looking at this very carefully, and check what the other cities are doing.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations. Mr. Mario Gaza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:23 p.m.

Ended: 5:30 p.m.

ITEM #1.5

Conditional Use Permit Renewal:

**Home Occupation – Registered Home Daycare
3304 Santa Inez
Lot 123, Los Nogales Subdivision Phase III
PUD
Martina D. Almazan**

Mr. Daniel Tijerina went over the write-up stating that the site is located 136' from the SW intersection of San Armando and Santa Inez. The home has a two car driveway off of Santa Inez capable of accommodating the safe drop off and pick up of children. There is also an existing 4' sidewalk for pedestrian traffic. There is an existing six foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children. The dining room and living room are the areas utilized for child care. This CUP was last approved by P&Z on 2/22/12 for a period of 1 year. Ms. Almazan is currently requesting a renewal to continue to operate her registered home daycare.

- **Hours of Operation:** Monday – Friday from 7:00 a.m. to 7:00 p.m.
- **Staff:** Herself and 3 others. All live in the home except one, thus complying with code.
- DHS certification has been obtaining as previously required.
- Must continue to comply with Sec. 1.56-1, Zoning Code (home occupations regs.)

Review Comments: Ms. Almazan has been operating her registered home since December, 2009 with no reported incidents. Staff sent notices to the surrounding neighbors and have not received any comments for or against this CUP request.

Staff's Recommendation: Staff recommended approval for 1 year in order to continue to monitor this daycare operation at Sharyland Plantation.

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

There was no response.

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

There was no response.

Vice-Chairman Ned Sheats mentioned that he had understood that the City Council wanted to eliminate or did not want to approve any more Home Occupation.

Mr. Tijerina stated that he had prepared an amendment to the Zoning Ordinance as per direction given to him to omit Home Occupations within residential districts and it was presented and taken to executive session and at that point he was given direction not to process any more conditional use permits but about a month ago he was advised that all conditional use permits would be reviewed on a case by case basis. Mr. Tijerina mentioned that staff started calling the people that had CUPs expired to reapply.

Vice-Chairman Ned Sheats asked if staff had gotten the HOA approval for this Home Occupation because he recalled that staff needed to get the HOA approval first for people who lived in a PUD prior to been seen by the City Council.

Mr. Salinas replied, "No", he didn't contact the HOA for the approval.

Mr. Tijerina stated that staff would be contacting Paul Curtin, the City's contact for the Hunt Valley Development Home Owners Association, to get that approval prior to going to City Council.

Mrs. Marisela Marin asked how many children were allowed in a Registered Home Daycare.

Mr. Tijerina stated that no more than 12 children at one time including the owners children.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza 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: 5:30 p.m.

Ended: 5:34 p.m.

ITEM #1.6

**Conditional Use Permit Renewal: Home Occupation – One Chair Beauty Salon
508 Los Ebanos
.29 ac. tract of land out of Lot 19-3,
West Addition to Sharyland Subdivision
R-1
Sylvia Hornbuckle**

Mr. Daniel Tijerina went over the write-up stating that the site is located in the NE area of Expressway 83 and Los Ebanos. There is an existing home on the site where the applicant utilizes a room located on the north side of the home for a one-chair beauty salon. Ms. Hornbuckle wishes to obtain a CUP renewal in order to continue to operate her one-chair beauty salon.

- **Days/Hours of Operation:** Tuesday – Saturday: 1 p.m. to 6 p.m. (By Appointment Only)
- **Staff:** Only the applicant operate the salon
- **Signage:** During the original approval of the CUP, the applicant was granted permission to have a 2' x 2' sign instead of the maximum allowed 1' x 1' sign. It was approved since her home is located on a collector street as is further away from the road.

- Must continue to comply with the remaining portions of Sec. 1.56-1, Zoning Code (home occupations regulations)

Review Comments: Ms. Hornbuckle has had her 1-chair beauty salon at her home since January 2012, with no reported incidents. Staff sent notices out to the neighboring properties and has not received comments for or against this CUP request.

Staff's Recommendation: Staff recommends approval for 1 year subject to continued compliance with Sect. 1.56-1 of the Zoning Code

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

There was no response.

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

The applicant, Mrs. Sylvia Hornbuckle who resides at 508 Los Ebanos Road stated that she has had her business at this location since 1986 in the house that was torn down when this new home was constructed. She added that she used to have a bigger sign and when she applied for this new place she was told she could only have a 2' x 2'. She asked the board to consider her request in allowing her to have a bigger sign because the people weren't able to see from the street.

Vice-Chairman Ned Sheats stated that he understood her position but he could not support her request for a bigger sign because the property was zoned residential.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Abiel Flores 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: 5:34 p.m.

Ended: 5:44 p.m.

ITEM #1.7

Conditional Use Permit Renewal:

**To Place a Portable Building for the
Sale of Food at El Jalisco Express Drive-Thru
3300 N. Inspiration Road
Lot 1, Gomez Estates Subdivision
C-2
Felipe Cruz**

Mr. Daniel Tijerina went over the write-up stating that the site is located on the NE corner of Inspiration Road and Mile 2. The subject site has an existing drive-thru convenience store. Primary access into the drive-thru business is from 2 Mile Road, leading into the building's east side, then exiting out through the building's west side. The CUP for a hot dog stand at this location was approved by P&Z on 12/12/12 for a period of 1 year. Mr. Cruz wishes to obtain a renewal of the CUP in order to continue placing his cart next to the drive-thru convenience store.

- **Hours of Operation:** Monday – Sunday from 6:00 p.m. to 11:00 p.m.
- **Staff:** Only Mr. Cruz runs the stand.
- **Parking:** The drive thru business measures 2,310 sq.ft., which requires 9 parking spaces, the hot dog stand requires a minimum of 4 spaces and the existing watermill also requires 4 spaces for a total of 17 spaces. There are 14 parking spaces on the site along with 3 spaces within the drive-thru equating to 17. (There are also unmarked spaces used by watermill customers.
- Must continue to comply with the City Health Department requirements.

Review Comments: This stand has been in operation since October 2011, with no reported incidents. Notices were sent to the surrounding neighbors where Staff did not receive any comments for or against this particular CUP request.

Staff's Recommendation: Staff recommends approval for 1 year subject to continued compliance with the Health Department's requirements.

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

There was no response.

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

There was no response.

Mrs. Marisela Marin asked where the handicap parking space was located.

Mr. Tijerina mentioned that the parking was hard to see. Mr. Tijerina stated that he recalled a similar situation on Moorefield Road but was not sure if they imposed the re-stripping of the parking lot.

Mr. Bobby Salinas stated that in the next meeting in February P&Z would be considering the drive-thru convenience store and during that meeting staff would be imposing the re-stripping of the parking lot.

Mr. Tijerina mentioned that the re-stripping & handicap parking would be imposed to the property owner. He added that since Mr. Cruz was just leasing the space to place the portable structure the re-stripping would not be imposed to him.

Vice-Chairman Ned Sheats asked where was the ADA parking/sign.

Mr. Tijerina mentioned that the stripping was hardly seen and therefore needed to be re-stripped. He added that a sign would need to be installed to label the ADA parking space. Mr. Tijerina acknowledged Building Inspectors Mr. Arturo Lerma & Mr. Daniel Sanchez and stated that staff was encouraged to attend the different Board meetings to better understand what it each Board does. He added that as inspectors both would say that through the business license and permit review they would need to comply with the ADA parking spaces.

Mrs. Marisela Marin asked if they were required to have tire stoppers.

Mr. Tijerina stated that the tire stoppers were not required as long as the parking lot was nicely striped.

Mr. Mario Garza asked if anybody walked to the drive-thru.

Mr. Tijerina mentioned that most of the people drive to the drive-thru.

Vice-Chairman Ned Sheats suggested that the item be placed on the table until the next meeting so that the owner could commit to re-striping the parking lot.

Ms. Diana Izaguirre stated that she didn't believe the Board should table the item for Mr. Cruz especially because he was not the owner of the property he was just renting or leasing the space.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Mario Garza 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: 5:44 p.m.

Ended: 5:44 p.m.

ITEM # 2.0

Pre-Final Plat Approval:

Old Mission Square Subdivision

A 4.066 ac. tract of land out of Lot 20-4,

West Addition to Sharyland Subdivision

C-2

Developer: Fruitmich Inc.

Engineer: Treviño Engineering

Mr. Daniel Tijerina asked that no action be taken on this item until further notice.

ITEM #3.0

ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:44 p.m.

Ned Sheats, Vice-Chairman
Planning and Zoning Commission