

**PLANNING AND ZONING COMMISSION  
MARCH 11, 2015  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Carlos Lopez  
Mario Garza  
Julio Cerda  
Diana Izaguirre

**P&Z ABSENT**

Marisela Marin

**STAFF PRESENT**

Daniel Tijerina  
Joe A. Garza  
Susana De Luna

**GUESTS PRESENT**

Erlin Madrigal  
Norma Cruz  
Vince G. Huebinger  
Javier Hinojosa, P.E.  
Allen Males  
Felipe Cruz  
Fred Kurth, P.E.

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR FEBRUARY 25, 2015**

Chairman Ned Sheats asked if there were any corrections to the minutes for February 25, 2015. Mr. Mario Garza moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:04 p.m.**

**ITEM #1.1**

**Rezoning:**

**A 0.06 acre out of Lot 13,  
Expressway Business Park Phase VIII  
I-1 to C-4  
Vincent Gerard & Associates, Inc.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 700' West of Commerce Drive (LFD's Warehouse). The site measures 50' x 50' (2500 sq.ft.). This site has access from Commerce Drive.

|                            |       |     |                    |
|----------------------------|-------|-----|--------------------|
| <b>SURROUNDING ZONES/</b>  | N:    | I-1 | – Light Industrial |
| <b>EXISTING LAND USES:</b> | E:    | I-1 | – Light Industrial |
|                            | W:    | I-1 | – Light Industrial |
|                            | S:    | I-1 | – Light Industrial |
|                            | Site: | I-1 | – Light Industrial |

**FLUM:** The Future Land Use Map reflects General Commercial (GC) designation.

**REVIEW COMMENTS:** The FLUM shows a GC designation for this site. The site is surrounded by Light Industrial in all directions. Therefore, this portion of the overall acreage to be zoned commercial would seem to work well with the existing zonings and is fully compliant with the FLUM's GC designation.

**RECOMMENDATION:** Staff recommended approval.

Mr. Julio Cerda walked in at 5:02 p.m.

Ms. Diana Izaguirre walked in at 5:03 p.m.

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. Vince G. Huebinger stated that he was representing Vincent Gerard, Verizon Wireless, the land owner and was present to address any questions from the Board.

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

**Started: 5:04 p.m.**

**Ended: 5:20 p.m.**

**ITEM #1.2**

**Rezoning:**

**The North 938.74' of Lot A,  
B.L. Millers Resubdivision of Lots 16-20,  
Block 4, Mission Groves Estates Subdivision  
AO-I to C-3  
Erlyn Madrigal**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the Northeast corner area of Moorefield Road and Griffin Parkway.

**SURROUNDING ZONES/ N:** R-1, L.J. Middle School

**EXISTING LAND USES: E:** AO-I Open Acreage

W: Outside City Limits

S: C-3 General Business District

Site: The site currently has an impound lot on it

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

**REVIEW COMMENTS:** Though this area is not fully developed, A C-3 zone is not consistent with the FLUM which depicts an LD designation. The FLUM is a guide used to base our decisions when considering rezonings. The depth for commercial zonings along major thoroughfares such as FM 495 ranges from 400' to 600' maximum. Lastly, Moorefield Road is a County Standards Road with no curb and gutter.

**RECOMMENDATION:** Staff recommended denial.

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. Steve Spoor from Spoor Engineering whose address is 202 S. 4<sup>th</sup> Street in McAllen, Texas stated that he was representing Mr. Erlin Madrigal who made the application with the City. He pointed out that there was no residential use on the aerial photo presented by Mr. Tijerina. Mr. Spoor added that there might be residential zoning or future land use low density residential identified for the area but there was no single family residential or multi-family use in the area. He stated that Moorefield Road even though was a County Road it's a half mile collector. He added that they felt that since Moorefield Road was close to the western edge of the City of Mission was someday going to be important in traffic movement and as all of the half mile collectors should be protected through a thoroughfare plan. Mr. Spoor stated that the question the Board needs to look at is would this property be suitable for the general commercial zone or is it not. He stated that their contingency is that this property is not suitable for residential with the frontage to Moorefield Road and the attaching to Mr. Madrigal's piece that is already zoned then this becomes a viable commercial strip center. Mr. Spoor asked the P&Z Board to consider a positive recommendation on their request.

Chairman Ned Sheats asked if the conditional use permit for the repo business was in compliance because usually for conditional use permits there should be no structures except maybe one because the cars go in and out probably the on the same day and they are several structures on this property.

Mr. Tijerina stated that staff did have an opportunity to go out there and the business is working as it should the vehicles are kept there for a minimal time and then they are taken wherever they need to go. He added that as far as the buildings most of them have been there prior to being annexed by the City. However, he could provide a better detailed report once the conditional use permit is up for renewal.

Chairman Ned Sheats mentioned that the only thing that bothers him is to disagree with the applicant in this case just because the homes are not there does not mean that they should not be there. Also they have a school abutting the property which he has seen in other cases that it is not a very good idea to have commercial abutting a school.

Mr. Julio Cerda asked for how long has the conditional use permit for the repo business been there.

Mr. Tijerina stated that he was not sure but he believed it was for about 4 or 5 years.

Mr. Julio Cerda stated that as far as commercial this property has been used as commercial for more than 5 years and there have been no problems or complaints with the conditional use permit.

Chairman Ned Sheats asked Mr. Tijerina if he knew for how long the conditional use permit was approved for.

Mr. Tijerina apologized for not having that information but could go get the file if the Board wanted to know for sure the time frame the conditional use permit was approve for.

Chairman Ned Sheats stated that the only answer he had is that a conditional use permit usually has a time frame or it could be revoke at any time if non-compliant verses a commercial zoning change could not be controlled.

Ms. Diana Izaguirre asked how many acres they were proposing to rezone.

Mr. Spoor stated that they were a total of 10 acres but the 381.26' on the front of the property were already zoned commercial.

Mr. Tijerina stated that he believed there were like 8 acres.

Mr. Julio Cerda stated that he didn't see a problem with the rezoning the only concern he had was that for some reason the church was not included in the mail out list of the property owners who are notified of the rezoning.

Mr. Tijerina stated that staff could certainly look into that.

Mr. Spoor asked if they were not notified could they come in the future and protest the zoning.

Mr. Cerda replied, "Yes".

Mr. Tijerina suggested that no action be taken on the item just to make sure that all property owners are properly notified.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to 'Table' the rezoning. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:20 p.m.**

**Ended: 5:25 p.m.**

**ITEM #1.3**

**Rezoning:**

**A .50 acre tract of land out of the East  
10 acres of the North 15 acres out of  
Lot 23-4, West Addition to Sharyland Subdivision  
AO-I to R-3  
Tranquilino Guerrero**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 300' east of Holland Avenue along the south side of W. 20<sup>th</sup> Street.

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

**EXISTING LAND USES: E:** R-3 – Multi Family Residential

W: AO-I – Agricultural Open Interim

S: R-1 – Single Family Residential

**LAND USES:** The surrounding land uses consist of a residential subdivision to the South, open acreage to the North and West and apartments to the East.

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

**REVIEW COMMENTS:** Apartments are part of the housing market of the City of Mission. The proximity to O'Grady Elementary to the north and Mission High School to the south makes this property viable for an R-3 use.

**RECOMMENDATION:** Staff recommends approval.

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

There was no response.

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

The applicant's wife, Mrs. Diana Castilleja de Guerrero was present to address any questions from the Board.

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

**Started: 5:25 p.m.**

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

**ITEM #1.4**

**Conditional Use Permit:**

**To Construct a new Telecommunication**

**Tower on property zoned C-4 (Heavy Commercial)  
A 0.06 acre out of Lot 13,  
Expressway Business Park Phase VIII  
I-1 (C-4 Proposed)  
Vincent Gerard & Associates, Inc.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 700' East on Commerce Drive. The lot measures 603,430 sq. ft. or approximately 13.85 acres (as per the survey provided). Verizon Wireless is proposing to lease a 50' x 50' (2,500 sq. ft.) area located to the NE corner of the property to install a 115' monopole in order to provide better wireless service to its customers. The area will be fenced in and have an access easement to the site from Commerce Drive to the lease area. A 12' x 26' shelter with diesel generator is proposed within the lease area as well.

**REVIEW COMMENTS:** Verizon is in the process of upgrading their wireless communications network in South Texas and throughout the Rio Grande Valley. The site is an unmanned wireless facility and will operate 24/7; it is proposed as a 115' monopole and is co-locatable with up to 3 additional carriers.

**RECOMMENDATION:** Staff recommends approval of the CUP for life of use subject to:

1. Landscaping required,
2. Must install an 8' opaque fence around the lease area,
3. The CUP shall not be transferable to others.

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. Vince G. Huebinger stated that he was representing Vincent Gerard, Verizon Wireless, the land owner and was present to address any questions from the Board.

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

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

**Ended: 5:38 p.m.**

**ITEM #1.5**

**Conditional Use Permit Renewal:**

**To Place a Portable Structure for the  
Sale of Food for Jelipe's Hotdogs  
3300 N. Inspiration Road  
C-2  
Felipe Cruz**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NE corner of Inspiration Road and Mile 2. There is an existing drive-thru convenience store thereon. The CUP for a hot dog stand at this location was approved by P&Z on 2-12-14 for a period of 1 year. Mr. Cruz wishes to renew the CUP in order to continue conducting business at this location. It is noted that this portable structure will be hauled to and from the site daily.

- **Hours of operation:** Monday through Sunday from 6:00 p.m. to 11:00 p.m.
- **Staff:** 1
- **Parking:** The parking meets codes (17 spaces total).
- Compliance with City Health Department is required.

**REVIEW COMMENTS:** This stand has been in operation since October, 2011 with no reported incidents. Notices were sent to the surrounding neighbors within a 200' radius of the site. No comments for or against this CUP have been received by staff.

**RECOMMENDATION:** Staff recommends approval for 1 year.

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

There was no response.

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

Mr. Felipe Cruz who resides at 3301 Tulipan was present to address any questions from the Board.

Chairman Ned Sheats mentioned that the City needs to come up with some guidelines and requirements for these types of establishments.

Mr. Tijerina stated that the City was working on something already.

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

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

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

**ITEM #2.0**

**Pre-Final Plat Approval:**

**Mission Valley Subdivision**

**A 7.765 acre out of Lot 296, and out**

**of a 50' Abandoned Canal ROW,**

**John H. Shary Subdivision**

**R-1**

**Developer: Lana S. Heina & Marion D. Heina**

**Engineer: Melden & Hunt, Inc.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 350' north of East Bluebonnet Lane along the West side of Taylor Road. The proposed subdivision consists of 33 single family residential lots. The lot sizing ranges from 6,600' to 11,762'. These lot sizes are consistent with the R-1 lot minimum area dimensions.

**VARIANCE #1:** – To allow the subdivision to be private and gated. The subdivision code states that a lot requires frontage on a “public” street. There are no other adjacent properties that would require access to the proposed interior streets. 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 subject to the developer signing a private street agreement.

**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 Taylor Rd. and will provide a secondary loop to the system by connecting to an existing 8” line located along the Western perimeter of the subdivision. There are also 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 10” sewer line located along the West side of Taylor Rd. The Capital Sewer Recovery Fee is required at \$200/Lot which equates to \$6,600 (\$200.00 X 33Lots).

**STREETS & STORM DRAINAGE:** The subdivision has access to Taylor Rd., a future 80’ ROW, 57’ B/B Street. The developer will be dedicating an additional 20’ of ROW along Taylor Rd. to equate to the minimum 40’ from centerline. The subdivision consists of a single street with three internal cul-de-sacs, all being the minimum 50’ ROW, 32’ B/B paved streets. Storm drainage is accomplished through a series of 24” storm lines which will connect into an existing storm drain system currently located on Taylor Road.

**OTHER COMMENTS**

- Park Fees - \$300.00/Lot = \$9,900.00
- Escrow 5’ sidewalk along Taylor Rd. in the amount of \$1,589.52 (132.46’ X \$12L.F.)
- Street Widening along Taylor Rd. in the amount of \$16,099.60 (288’ x \$55.90L.F.)
- Water District Exclusion
- Must Comply with all other format findings

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

1. Payment of Park and Capital Sewer Recovery Fees
2. Escrow the 5’ sidewalk and Street Widening along Taylor Rd.
3. Provide Water District Exclusion
4. Comply with all other format findings.
5. Approval of Private Street subject to compliance with private street policy.

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

There was no response.

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

Mr. Fred Kurth from Melden & Hunt was present to address any questions from the Board.

There being no discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to approve the pre-final plat as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

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

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

**ITEM #3.0**

**Pre-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  
R-1A**

**Developer: Meza Homes, Inc.**

**Engineer: Javier Hinojosa Engineering**

Mr. Daniel Tijerina 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 Ned Sheats asked if there was any input from the Board.

There was no response.

Chairman Ned Sheats 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 discussion, Chairman Ned Sheats entertained a motion. Mr. Julio Cerda moved to approve the pre-final plat as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:49 p.m.**

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

**ITEM #4.0**

**Tabled Conditional Use Permit Renewal:      Sale & On-Site Consumption of Alcoholic Beverages – Mariscos El Mar Seafood Restaurant  
2500 E. Expressway 83, Ste. 100  
Lot 5-B, Sharyland Place Subdivision  
C-3  
Armando Treviño**

No action taken on this item.

**ITEM #5.0**

**OTHER BUSINESS**

**ITEM #6.0**

**ADJOURNMENT**

There being no further items for discussion, Mr. John Guerra moved to adjourn the meeting. Mr. Julio Cerda seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:51 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission