

PLANNING AND ZONING COMMISSION
APRIL 13, 2011
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Mario Garza
Rene Flores
Jose G. Vela
Carlos Lopez

P&Z ABSENT

Luann Caudle
Marisela Marin

STAFF PRESENT

Sergio Zavala
Robert L. Salinas
Sonia Carnes
Susana De Luna

GUESTS PRESENT

Rene Barrera
Lilibeth Garcia
Ruben Garcia, Jr.
Olivia Ramirez
Aurora Lopez
Stephen Alaniz
Antonio Pruneda
Felipe Cruz Ambriz

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MARCH 23, 2011

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Garza moved to approve the minutes of March 23, 2011 as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:01 p.m.

Item# 1.1

Rezoning:

**A tract of land out of the N. 206.28'
of Lot 31, Sharyland Orchards Subd.
Aka 2116 Pleasant Lane
R-4 to R-1A
Gabriel Montiel**

No Action Taken on this item.

Started: 5:01 p.m.

Ended: 5:03 p.m.

Item# 1.2

Conditional Use Permit Renewal:

**Home Occupation – Flower Shop
1632 N. Bryan Rd.
Lot 2 & the N. 39' of Lot 3, Blk. 2,**

**Bryan Heights Subdivision
R-1
Life of Use
Aurora Lopez**

Mr. Salinas briefed over the write-up stating that this conditional use permit was originally approved by P&Z on 1-6-10. The site is approximately ½ mile south of FM 495 along the east side of Bryan Road. The applicant has been operating a flower shop within an existing detached garage with no incidents or complaints from surrounding property owners. Access is provided through an existing 20' concrete driveway that expands to allow for five parking spaces, with four open spaces available for the public during business hours.

- **Days/Hours operation:** Monday – Sunday from 9:00 a.m. – 6:00 p.m.
- **Staff:** Herself and 2 others; 1 not residing at the home. Mrs. Lopez will only utilize the other two family members when needed, large orders/deliveries, etc. She is the only person working at the flower shop the majority of the time.
- Must continue to comply with Sec. 1.56-1, Zoning Code (home occupations regulations)
- Again, absolutely no exterior displays of 'Flower Shop' items will be allowed, especially during Valentine's Day, Mother's Day, etc. This includes ribbons or any painting of trees.

According to the applicant, the majority of her business is phone based, i.e. customers call in orders and the shop delivers to the desired home. However, there are occasions where walk-in traffic is expected, such as Valentine's Day, Mother's Day, Christmas, etc. Staff recommends approval subject to: 1) 1 year re-evaluation to assess the operation, 2) continued compliance with Sect. 1.56-1 of the Zoning Ordinance; and 3) no exterior display of 'flower shop' items.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Aurora Lopez stated that most of her business was by phone hardly anybody visits her home.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:15 p.m.

Item# 1.3

Conditional Use Permit Renewal:

**To Place a Portable Building for
the Sale of Hotdogs**

3201 N. Inspiration Road

**Lots 170 & 171, Taurus Estates #2
C-3**

Life of Use

Felipe Cruz Ambriz

Mr. Salinas briefed over the write-up stating that this conditional use permit was approved by P&Z on 10-13-10. The subject site is located on the NW corner of Inspiration Road and Mile 2 Road. The stand is placed within the El Valle Meat Market site, which utilizes a parking space located on the SE area of the site, then, when closed, it is removed and placed behind the market until the next use. Existing entry and exiting to the site is from a 36' driveway cut along Mile 2 and a 36' cut along Inspiration. The restroom facilities are available from the meat market.

- **Hours of Operation:** Monday through Sunday from 6:00 p.m.–11:00 p.m.
- **Staff:** Only the applicant will be running the stand.
- **Parking:** With the placement of the stand, there will be 21 spaces available for both uses. The meat market requires 18 spaces, leaving at least 3 spaces for the hotdog stand.
- **Landscaping:** During the last meeting, staff mentioned that the owner of El Valle Meat Market needed to provide new trees and shrubs, since the previous ones evidently decomposed. Just as an update the owner did replace/re-install the trees, thus meeting code.
- 2 Mile Road may be widened in the near future; thus, the 'stand will need to phased-out once a more aesthetic pavement approach is realized, thus staff is requesting perpetual annual evaluations until the eventual removal of the stand is required.

Staff recommended approval subject to perpetual 1 year re-evaluations.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Felipe Cruz Ambriz was present to answer any questions that the Board might have.

Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:14 p.m.

Item # 2.0

Single Lot Variance:

**A 2.69 acre tract out of Lot 29-7,
West Addition to Sharyland Subdivision
R-3
Frances Garcia**

Mr. Salinas went over the write up stating that the property is located 900' east of Conway Avenue along the north side of 2 Mile Road. The property measures 211.84' x 660' with an 83.34' x 270' notch cut out of the SW corner of the lot. The property currently has an existing home where Ms. Garcia has filed a building permit application to add a new two car garage; thus the intent of substantially complying with the subdivision code.

Water: In 2011, the City upgraded the water along Mile 2 with a new 12" line. Normally, all new development in this area would be required to pay for ½ the installation of an 8" line; however, since Ms. Garcia proposes only a garage amenity at this time, the City will secure reimbursement at the time of a more formal subdivision. There is an existing fire hydrant along the north side of Mile 2, west of the subject site that suffices protective coverage.

Sewer: The subject site is served by an existing 8" sewer line along Mile 2. The Capital Sewer Recovery fee will not be required since the home is already connected to the sewer system.

Streets: The property has frontage along Mile 2, a future 100' ROW/65' B/B paved street. An additional 30' of ROW is required in order to meet the MPO's Thoroughfare Plan. The cost to widen 2 Mile will also be required at \$38.44/l.f. via 2 Mile's widening escrow policy, which equates to \$4,939.54 (\$38.44/l.f. x 128.50). As P&Z imposed street widening fees to widen School Lane in January 2011, the same imposition should be evident.

Other Comments: Since there is an existing home on the property, Park Fees will not be imposed; Escrow 5' sidewalks - \$12.00/l.f. x 98.5' (128.50 - 30'd-way) = \$1,182; Provide proof of exclusion from the Water District; Street lights are in existence along the south side of Mile 2; no reimbursement will be sought; Must pay reimbursements for water and sewer in the amount of \$313.63 for sewer & \$319.99 for water via signed reimbursement agreement(s); paid to the City of Mission. Mr. Salinas stated that on property Zoned R-3, any 5+ apartments plans must first get site plan approval from the Planning and Zoning Board.

Staff did not object to the single lot variance subject to: 1) Dedication of 30' additional of ROW along Mile 2 to meet MPO code; 2) Escrow 5' sidewalks & street widening costs along Mile 2 via precedence; 3) Pay reimbursement costs for water and sewer from MCISD's reimbursement contract; 4) provide proof of exclusion from the water district (water rights conversion); and 5) 5' sidewalk required at building permit stage.

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

Mr. Flores asked if this was the same piece of property that at one point ask to sell snacks to the kids and had neighborhood opposition.

Mr. Salinas replied, "No".

Mr. Flores stated that he recalled having neighborhood opposition for a property in this area.

Mr. Salinas stated that this property was seen when they rezoned to R-3 (multi-family), which at that time they had opposition from the parcel on the northwest area that is owned by Mr. Rene De La Cruz and that might be what he was recalling where he talked about graffiti.

Mr. Garza stated that he didn't have a problem approving the single lot variance as long as they comply with all of staff's recommendations.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Stephen Alaniz who resides at 3400 Las Colinas was presented to address any questions that the Board might have.

Chairman Sheats asked if they agreed with staff's recommendations.

Mr. Alaniz stated that the only requirement Mrs. Garcia didn't agreed with was the sidewalk.

Chairman Sheats stated that in single lot variance when there are no sidewalks available the city does asked for them.

Mr. Alaniz stated that the only complaint she had was that the City just widened 2 Mile line and the sidewalks were installed on the south side.

Mr. Salinas stated that TXDOT had widened 2 Mile Line and did in fact install sidewalks on the south side so properties that were along the south side got the sidewalk from TXDOT and along the north side our sidewalk policy requires that they install a 5' sidewalk.

Chairman Sheats entertained a motion. Mr. Garza moved to approve the single lot variance as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:18 p.m.

Item # 2.1

**Single Lot Variance: 0.13 acre of Lot 27,
Shary Crossing Subdivision
R-1
Yaelis Millar Borrego**

Mr. Salinas went over the write up stating that this property is located 250’ west of Hackberry Avenue along the south side of Carianna. This irregular shaped property originally measured 60.86’ on the north, 106.09’ to the east, 61.06’ to the south, 107.21’ to the west. A home was erroneously built over Lot 27’s lot line causing the owner of Lot 27 to dedicate a portion of the lot. Since the owner of Lot 27 dedicated a piece of property by metes and bounds, the resulting remnant of Lot 27 must undergo the Single Lot Variance process in order to obtain a building permit. Since the lot was previously subdivided, it was provided with all necessary water, sewer, drainage and paved streets. Mr. Salinas stated that the property has already been excluded from the Water District, park and capital sewer recovery fees have already been paid. Staff recommended approval.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats entertained a motion. Mr. Garza moved to approve the single lot variance as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:25 p.m.

Item # 3.0

**Pre-Final Plat Approval: Olivia Ramirez Subdivision
4.17 acres, Lot 27, Nick Doffing Subd. No. 1
Rural ETJ
Developer: Olivia Ramirez
Engineer: Barrera Infrastructure Group**

Mr. Salinas went over the write up stating that the 4.17 acre tract is located at what would be the intersection of 4 Mile Road and Doffing Road, where 4 Mile Road will be going through. The proposed 2-lot subdivision DOES NOT SHOW the dedication of the required 4 Mile Road's ROW via the MPO Thoroughfare Plan.

Not long ago, P&Z & the City Council both denied the proposed "La Fuente Acres Subdivision" due to noncompliance to the MPO map where La Fuente also did not want to dedicate ROW for Mile 4. The City of Mission has been consistent in enforcing the MPO Thoroughfare Map especially since Mission's city limits is extending in a northwesterly direction.

In reviewing the variance, staff had the following comments:

1. 'Not required by the County' RESPONSE: The City of Mission is bound to enforce the MPO Thoroughfare Map; regardless, this area is in Mission's ETJ where Mission's analysis of planning for efficient traffic systems takes precedence (due to eventual annexations).
2. 'MPO Map did not show 4 Mile Road' RESPONSE: The MPO confessed that the temporary removal of 4 Mile Road was a proposed plan unilaterally done by an MPO Tech staffer. The official MPO Map sanctioned by the City of Mission never excluded 4 Mile but always enforced it on aligned others.
3. 'ROW Dedication will not permit a 2-Lot Plat' RESPONSE: Though the lot orientation will change, a 3-lot plat is actually possible with all codes complied with.

Since the City of Mission has imposed the ROW dedication on 4 Mile Road to others, and since we recently denied "La Fuente Acres", Staff recommends that we continue this requirement so that an efficient E-W traffic circulation system will ultimately be realized to benefit future area residents, commerce, schools, & emergency responding entities.

On other matters, the plat's dedication of required ROW on Doffing is compliant to MPO Thoroughfare codes with both lots exceeding the county's min. ½ acre lot requirement. Both lots will have water service via an existing 8" AGUA water line; and will provide sewer service through OSSF (Septic Tanks). On storm, drainage will be accomplished via sheet runoff flowing east into an existing roadside drainage ditch along the west side of Doffing Road; HCDD#1 has approved it. Staff recommended denial due to the lack of ROW dedication for Mile 4.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant's Engineer, Mr. Rene Barrera stated that they were willing to comply with all of staff's recommendations except the 80' ROW dedication. He mentioned that the city's example of how the subdivision could be platted was good except that there is an existing house on the north side of Lot 1, which was a pretty sizable house that would not let itself to the 3-lot subdivision. Mr. Barrera stated that he understood the City's stance on thoroughfares however, between Bensten Palm Road & Minnesota there is an existing large school that was built on 4 Mile Road's alignment so he didn't understand why they would be exempt from the ROW dedication.

Chairman Sheats stated that unfortunately the Board could only consider the subdivision being presented today therefore, any information indicating that the county & city do not have good flow east and west would not be important.

Mr. Barrera stated that normally they are asked to project future roadways.

Chairman Sheats stated that he didn't want for the City of Mission to make the same mistake as the City of McAllen of not requiring 4 Mile Road's ROW.

Mr. Flores stated that that everybody understood the situation of having 4 Mile Line ROW dedicated. He mentioned that Mr. Barrera would need to get with his client to see what other alternatives could be done in order to comply with City requirements.

Chairman Sheats entertained a motion. Mr. Flores moved to deny the subdivision plat as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:26 p.m.

Ended: 5:26 p.m.

Item # 4.0

Discussion and Action to Amend Section 1.12, Zoning Ordinance #1128, as Amended, to Relegate any Requests for Variance of Declared Building Deterioration (Lack of Maintenance) to the Building Board of Adjustments Instead of the Zoning Board of Adjustments

No Action Taken on this item.

Started: 5:26 p.m.

Ended: 5:26 p.m.

Item # 4.1

Request for Variance from the Subdivision Ordinance Not to Require Platting on a .45 acre tract out of Lot 172, John H. Shary Subdivision for Mr. Guadalupe Rodriguez

Mr. Salinas stated that the applicant had requested that this item be placed on the 'Table' since he was unable to attend the meeting.

Chairman Sheats entertained a motion. Mr. Garza moved to 'Table' the item at this time. Mr. Vela second the motion. Upon a vote, the motion passed unanimously.

5.0 OTHER BUSINESS

Discussion on Commercial & Condo Conceptual on Irregularly-Shaped Property Immediately South of Cimarron

Mr. Salinas stated that the proposal before the Board was for a commercial plaza & multi-story condos on a property that has been dormant and weedy. Staff has assessed the parking, setbacks, rear access; landscaping and it did comply with the city's prevailing codes. The commercial complex would be a 1-story complex and the larger residential component would be in a tract fronting 2 Mile south which was an unpaved public ROW. Mr. Salinas stated that the ROW would be paved to city codes via the subdivision process inclusive of street lighting and public sidewalks. He added that drainage should not be an issue since it abuts the county open drainage also there are existing water and sewer lines that serve this side of Shary Road.

Chairman Sheats asked how many stories were they proposing to have.

Mr. Salinas replied, "7 stories". He added that they were proposing to have 36 units in each tower, off-street parking does meet code where the entrance would likely be gated; they were proposing a private development. The amenities include: pool, walkway, and a gazebo. He added that the primary observation of these towers were the number of stories. Mr. Salinas stated that the amount of the investment would be approximately 14 million dollars. Mr. Salinas asked P&Z for their preliminary comments of this concept knowing that rezoning, public hearings are required as part of the development process in which the owners within 200' radius will be invited to provide their input.

Chairman Sheats asked who owned the strip behind the commercial area.

Mr. Salinas stated that it currently a single family residential home.

Chairman Sheats stated that based on P&Z previous discussion regarding through roads this property would be in alignment with 2 Mile Road south.

Mr. Salinas replied, "Correct".

Chairman Sheats asked if they were going to provide maximum ROW.

Mr. Zavala stated that it would actually be in alignment with 2 Mile Road South and there was existing ROW on 2 Mile Road South. He added that during the subdivision process staff needs to evaluate what would be required by code to have paved access all the way to Shary Road. Mr. Zavala mentioned that the investors were present to answer any questions.

Mr. Antonio Pruneda stated that he was one of the investors in this project. He added that they believe this project would be beneficial for the City of Mission. He mentioned that they wanted to do a nice development in the area and make use of the land.

Chairman Sheats stated that it was a great concept.

Mr. Flores stated that he wish them good luck and hoped that everything went through.

Chairman Sheats entertained a motion to approve the concept. Mr. Garza moved to approve the concept as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

6.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:35 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission