

**PLANNING AND ZONING COMMISSION
APRIL 9, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Bobby Salinas
Alex Hernandez
Susana De Luna

GUEST PRESENT

Gilbert Gallegos
Pedro Conchas
Illiana Medina Bustamante
Frank Perez
Joe B. Garza
Dina Sierra

CALL TO ORDER

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

CITIZENS PARTICIPATION

Vice-Chairman Ned Sheats asked if there was anyone in the audience for citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR MARCH 26, 2014

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for March 26, 2014.

Ms. Diana Izaguirre stated that the minutes didn't accurately reflect her and Mr. Tijerina's statements. She asked that they be brought back to P&Z at the next meeting for her review. Mr. Mario Garza moved to approve the minutes as corrected. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:06 p.m.

ITEM #1.1

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Alcoholic
Beverages – Solo Empanadas Y Mas Restaurant
1522 E. Expressway 83, Ste. 114
Lot 4, Stewart Plaza Subdivision
C-3
Solo Empanadas Y Mas, LLC**

Mr. Bobby Salinas went over the write-up stating that the site is located on the SW corner of Stewart Road and Expressway 83. There is a new commercial plaza located on the site which

is has an existing 1,400 sq.ft. restaurant with 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 – Thursday from 11a.m. to 10p.m., Friday & Saturday from 11a.m. to 11p.m. & Sundays from 11a.m. to 8p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 6 employees
- **Parking:** In viewing the floor plan, the restaurant/bar has a total of 55 seats which requires a total of 18 parking spaces (55 seats/3 = 18.3 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other “future” businesses. Staff has not received any complaints in regards to the parking.
- **Sale of Alcohol:** 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 300'. The 300' separation was previously waived by City Council during the CUP's original approval.

Review Comments: Since opening, the restaurant has had no impact towards the residential neighborhood, so a continued waiver of the 300' separation is supported. The proposed closing times are very similar to other family oriented restaurants and Staff asked Mission PD for a report of any incidents for this property. Chief Dominguez confirmed that there have been no incidents reported at this site.

Recommendation: Staff recommends approval for 3 years subject to: 1) Waiver of the 300' separation; and 2) Continued compliance with Building, Fire, and Health codes.

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.

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

Started: 5:06 p.m.

Ended: 5:09 p.m.

ITEM #1.2

Conditional Use Permit Renewal:

**Home Occupation – Business Office
1210 Elm Street
Lot 6, Block 4, Pecan Heights Subdivision
R-1
Iliana M. Bustamante**

Mr. Bobby Salinas went over the write-up stating that the subject site is located at the SW corner of Elm and Bryan Road. This site previously had a CUP for Terra Homes' construction office. Terra Homes had utilized the home as their office since 7-25-07. Mr. & Mrs. Bustamante purchased the home in 2012 and currently live there. They obtained a CUP for a business office for a glass installation business on 10-10-12 for a period of 1 year. In speaking to the applicant, they do not have any inventory at the home. They simply show the customer the items through the internet and set up the installation at the customers' home. The applicant now wishes to obtain a renewal of the home occupation CUP.

Hours of Operation: Monday – Friday from 8:00a.m. to 5:00p.m.

Staff: Only the applicant's husband will run the glass business.

Parking: The two people operating the home occupation park in the rear via the alley's access. Thus, the 'front' parking area is always available. Staff has not received any complaints in regards to traffic or parking.

Review Comments: Upon an on-site inspection of the property there is no storage of glass materials on-site and the customer traffic is minimal. Since the site has been used as a business office with no incidents, staff does not object to the CUP's continuation as a business office.

Recommendation: Staff recommends approval for 1 year subject to continued compliance with Sect. 1.56-1 of the Zoning Code (Home Occupations).

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.

Mrs. Iliana M. Bustamante who resides at 1210 Elm Street was present to address any questions from the Board.

Vice-Chairman Ned Sheats mentioned that in the write-up it stated that the two people that operate the business parked their vehicles in the rear but now those two people lived in the home was that correct.

Mrs. Bustamante replied, "That's correct, they park their vehicles in the back".

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 recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:15 p.m.

ITEM #2.0

Site Plan Approval:

Construction of 168 Apartments

**Lot 1, Santa Lucia Subdivision
R-3
Santa Lucia at Bentsen Lake, LLC**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NW corner of Taylor Road and Colorado Road.

Proposal: To build 10 two story buildings, 3 three story buildings, and 2 one story buildings for a total of 168 apartments. There will also be a lease office and clubhouse facilities. All apartment units will be divided by 1 hr. rated firewalls.

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

Parking: The 168 units are calculated to require 336 parking spaces based on the 2:1 parking ratio, plus additional parking for the clubhouse and office areas. The applicant is proposing 345 spaces throughout the site, thus in compliance with our parking code.

Landscaping: The developer is proposing landscaping throughout the entire site, providing 30% of green area throughout the lot, where a minimum of 10% is required – see site plan. The minimum size of trees shall be 7' tall - 3" caliper trees after planting.

Other Comments:

- When the plat was recorded the Capital Sewer Recovery Fee and Park Fees were levied for all 168 units.
- The dumpsters will be located on the north west and south side of the lot and must be screened with a 6' block fence with opaque (solid) gates.
- This development requires 5' sidewalks along Taylor Rd. and a portion of Colorado Rd.

Recommendation: Staff recommends approval.

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

There was no response.

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

Mr. Gilbert Gallegos who is the Architect for the Santa Lucia Apartments was present and stated that they have been working on this project for about 2 years.

Chairman Rene A. Flores walked in at 5:12 p.m.

Vice-Chairman Ned Sheats asked Mr. Gallegos how far the cul-de-sac was from the building. He stated that he was concerned that the cars might go too fast and go into a bedroom.

Mr. Gallegos stated that the cul-de-sac was approximately 5' from the building.

Vice-Chairman Ned Sheats asked Mr. Gallegos if they could install some type of bollards in the cul-de-sac area to keep vehicles from going into the bedrooms.

Mr. Gallegos mentioned that they could consider installing bollards or some other measures to help alleviate any concerns.

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

At this time, Vice-Chairman Ned Sheats handed the gavel to Chairman Rene A. Flores.

Started: 5:15 p.m.

Ended: 5:19 p.m.

ITEM #3.0

Preliminary & Final Plat Approval:

Gabriel Aguilar Subdivision

11.74 acre tract of land

Being all of Lot 46,

Nick Doffing Subdivision No. 1

Rural ETJ

Developer: Gabriel & Susana Aguilar

Engineer: B.I.G. Engineering

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately on the SE corner of Mile 5 and Brushline Road. The subdivision consists of 15 lots with Lots 1-3 designated specifically for commercial use. All lots are over ½ acre in area which range from 23,050 sq. ft. to 37,193 sq.ft.

Water: The water CCN belongs to AGUA SUD. The developer is providing water service by tapping into an existing 8" water line located along the west side of Brushline Road and tapping into an existing 8" line located on Mile 5. There are no fire hydrants provided for this Rural ETJ subdivision.

Sewer: Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (NOTE: Mission sewer is 2 miles away).

Streets & Storm Drainage: The plat dedicates an additional 15' of ROW along the perimeter of Brushline Rd. to equate to the minimum 40' from the center line of the road and an additional 30' along Mile 5 Road to equate to the minimum 60' ROW from center of the street; as required by the MPO Thoroughfare plan. Each lot along Brushline Rd. is proposing 20' X 20' common access driveways in order to minimize the number of residential access points along Brushline Road. The Project Engineer is proposing drainage for the subdivision with on-site detention for the lots adjacent to Brushline Road (residential lots) and requiring an

engineered drainage and detention plan for the commercial lots along Mile 5 Road as permitted under County guidelines-see HCDD #1 approved drainage report.

Other Comments: Comply with minor format findings

Recommendation: Staff recommends approval subject to meeting the Model Subdivision Rules and complying with all format findings.

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

Ms. Diana Izaguirre asked Mr. Salinas why the city didn't require escrow for fire hydrants.

Mr. Salinas stated that since the proposed subdivision was in the rural ETJ, the fire hydrant escrow would more than likely be required by the County.

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 subdivision plat as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion to approve passed unanimously.

Started: 5:19 p.m.

Ended: 5:27 p.m.

ITEM #4.0

Preliminary & Final Plat Approval:

Augusta Court Subdivision

A 2.73 acre tract of land

Being a part or portion of Lot 24-7,

West Addition to Sharyland Subdivision

R-1T

Developer: AFB 515 Houston Investments, LLC

Engineer: Javier Hinojosa Engineering

Mr. Bobby Salinas went over the write-up stating that the proposed subdivision is located at the south west end of Augusta Street, off of Griffin Parkway.

History: On 12-19-07, the P&Z reviewed and approved "La Solana Subdivision". The previous subdivision consisted of 28 townhouse residential lots. However, the new layout shows a reduction of lots to 25, with Lot 23 being designated as a detention area. The new proposal shows lots that range from 33.60' X 60' to 37' X 78' (2,016 sq.ft. and 2,886 sq.ft.).

The proposed subdivision abuts the Shary Golf Course on its east and south sides. The developer has shown his plans to our Golf Course Director, Paul Schaefer, who initially requested protective netting. However, as long as their CCRs and a plat note is provided, stating that the golf course and the City of Mission would not be responsible for personal injury

or property damage caused by golfers of the Shary Golf Course, then they may negate the netting concept.

Variance: The developer is requesting a variance from the City's codes that require all townhouse lots to have paved alleys. They are providing wider than usual streets and is providing over flow parking within the ROW that will be maintained by the Homeowner's Association (plat note maintenance and CCRs). The target consumers for this project are single professionals (teachers, doctors, bankers, etc.) and 55 and over, to also help allay any parking concerns. Staff does not object with the variance so long as the deed restrictions contain language limiting lots 15-22 only to residents 55 and over, and plat noting as described above.

Water: The developer will provide water service via a new 8" line tied into the existing 6" line located on the east side of Augusta Street and looping the system into an existing 6" waterline within Mission Village Subdivision. An off-site easement is required for this particular line. There are 2 proposed hydrants located pursuant to the direction of the Fire Marshal.

Sewer: The developer will provide sewer service via new 8" lines tied into an existing 8" system located on the south side of the proposed subdivision. The capital sewer recovery fee will be imposed to the townhouse residential lots, \$200.00 X 24 lots = \$4,800.00.

Streets & Storm Drainage: The developer is proposing the extension of Augusta Street as a 50' ROW/37' B-B street that will lead to three internal streets each 50' ROW/37' B-B, one of those to include 10 additional parking spaces within the ROW. The drainage for the subdivision will be addressed through the installation 24" RCP lines that will lead into a detention pond, then flow out through 24" RCP lines within the golf course (which requires an easement from the City) and discharge into one of TxDOT's existing curb inlets along Griffin Parkway with an 8" bleeder line (must be approved by TxDOT). The developer has also agreed to improve an existing drainage within the golf course for the accommodation of any overflow discharge from the general area.

Other Comments: Must comply with the Model Subdivision Rules; Comply with format findings; Provide Park fees of \$300.00/lot, \$300.00 X 24 Lots = \$7,200.00; Street names to comply with street alignment policy; and Water district exclusion required

Recommendation: Staff recommends approval subject to:

1. No objection to not having alleys for townhouse lots and allowing the additional parking within the ROW.
2. Provide language in the deed restrictions that states that the Homeowner's Association will maintain the additional parking, the City of Mission and the Shary Golf Course will not be responsible for any personal injury and/or property damage caused by golfers of the Shary Golf Course, and that lots 15 through 22 will be reserved for residents who are 55 and over.
3. Obtain easements for the 8" waterline that goes through the Mission Village Subd. and the 24" storm line that is proposed within the Shary Golf Course.

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. Joe B. Garza from Javier Hinojosa Engineering was present to address any questions from the Board.

Mr. Ned Sheats asked Mr. Garza if they were any garages inside the townhouses.

Mr. Garza replied, "Yes".

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. 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 #5.0

ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Abiel Flores seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:27 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission