

**PLANNING AND ZONING COMMISSION
JUNE 12, 2013
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Rene A. Flores

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUEST PRESENT

Yesenia Trevino
Martha Salinas
Alan Oakley
Joyce Johnson
Yrena Garza
Sharon Wernecke
Ismael Torres
Lupe Garcia
Nick & Mariana Galindo
Rosie De La Garza
John R. Guerra
Mike Friedrichs

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

Planning Director Daniel Tijerina reminded & invited the Board to the American Planning Association Workshop to be held at the City of Mission Council Chambers on Friday, June 14, 2013 from 9:30 a.m. to 4:00 p.m.

APPROVAL OF MINUTES FOR MAY 22, 2013

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for May 22, 2013. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:04 p.m.

ITEM #1.1

Rezoning:

**A 1.0 acre tract of land out of the S. 5 Acres of the S. 10 Acres out of Lot 186, John H. Shary Subdivision and A 0.30 acre tract of land being Abandoned Canal Right-of-Way between Lots 186 & 176, John H. Shary Subdivision
AO-I to C-3
Martha E. Salinas**

Site: AO-I - Agricultural Open Interim; Agape Christian School

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

On August 13, 2012, City Council created a new Zone which requires all public facilities such as City; County; Federal Buildings; Churches; and Schools to fall within this zone. Agape Christian School is proposing to change the zone from AO-I to P in order to be in compliance with the new Public Zone ordinance. Notices were sent to property owners within 200’ of the site. Staff has not received comments for or against this proposal. Staff recommended 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.

Mrs. Rosie De La Garza stated that she was the School Board President for Agape Christian School and was present to address any questions from the Board.

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

Started: 5:06 p.m.

Ended: 5:09 p.m.

ITEM #1.3

Conditional Use Permit:

**Expansion of Daycare in an AO-I Zone
121 E. 2 Mile Road
West 75’ of the East 902’ of the South
105’ of Lot 29-7, West Addition to
Sharyland Subdivision
AO-I
Yesenia Trevino**

Mr. Bobby Salinas went over the write up stating that the site is located on the NW corner of Black Oak Lane and 2 Mile Road. This conditional use permit was most recently approved by P&Z on 9-12-12 for a period of 3 years. The applicant desires to build a new 16’ x 32.5’ addition (520’ sq. ft.) along the north side of the existing daycare. Since they are increasing in size of the daycare a new CUP is required.

- Hours of Operation: Monday – Saturday from 7:00 a.m. to 7:30 p.m.
- Staff: 4 employees
- Parking: There are 4 existing spaces for the safe drop off of children. 3 of the 4 employees walk to work and the drop off of children is done quickly and efficiently, therefore staff does not anticipate any issues with parking, nor have we received any complaints regarding parking.
- Must comply with all Building and Fire Codes inclusive of the extension of the fire sprinkler into the new addition.

Since staff has not received any complaints regarding the daycare since it first opened in 2010, Staff does not object to approving the CUP with a new 3 year tenure. Staff recommended 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 was present.

Mrs. Yesenia Trevino whose business address is at 121 E. 2 Mile Line was present to address any questions from the Board.

Vice-Chairman Ned Sheats asked Mrs. Trevino if it was correct that they had no cars.

Mrs. Trevino mentioned that she lived on Black Oak Street about six or seven houses away from the daycare and she and her husband would walk to the daycare. She added that one of her employees lived across the street from Mim’s Elementary and she would also walk to work so there would only be one car from another employee.

Mrs. Marisela Marin asked if the conditional use permit was approved would the 3 years start again.

Mr. Salinas replied, “Yes”.

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

Started: 5:09 p.m.

Ended: 5:13 p.m.

ITEM #2.0

Site Plan Approval:

**Construction of a New Parish Hall
Lot 14, Sharyland Service Center No. 9
PUD
San Cristobal De Magallanes Catholic Church**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NE corner of Santa Engracia and Military Hwy. (F.M. 1016). A site plan approval from the Planning & Zoning Commission is required by a plat note from the subject subdivision. The applicant is proposing to build a new 82.6’ x 162’ parish hall (13,381.2 total sq. ft.).

The minimum required setbacks based on the subdivision plat are: Front (Military Hwy) – 75’ or greater for approved site plan & Side/Rear – as per adopted PUD regulations. The proposed site plan shows a front setback of 315’ along Santa Engracia, 180’ + along the north side, 220’+ to the east side, and 630’ + to Military Hwy. All setbacks exceed minimum setback requirements.

The site plan for the parish hall has also been reviewed by Public Works, Engineering, and the Fire Marshal. They have approved the water and sewer, the proposed detention areas, the hydrant locations

and Fire protection locations. However, the master site plan for the future buildings is subject to change in order to comply with the Fire Marshal's access requirements and fire hydrant placement.

According to the off-street parking ordinance, churches require 1 parking space for every 4 seats in the main auditorium. Based on a letter provided by the church, there will be enough seating spaces for approximately 200 people, thus requiring 50 parking spaces. They are proposing 70 paved spaces and 83 all-weather surface spaces, thus in compliance with the parking code.

This church is also required to provide 5' sidewalks along Santa Engracia as required by plat. The sidewalks will only be required along the limits of this first phase and will continue to be installed as the future phases come in. The church's landscaping proposal exceeds the City's landscaping requirements. 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 was present.

Mr. Julio Cerda was present to address any questions from the Board.

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

Started: 5:13 p.m.

Ended: 5:17 p.m.

ITEM #3.0

Single Lot Variance: An 8.56 acre tract of land out of the W. 25 Acres of Lot 202, John H. Shary Subdivision C-1 Licon Almada Family LTD.

Mr. Bobby Salinas went over the write-up stating that this property is located 400' east of San Antonio Ave. along the south side of Business Highway 83. The majority of the property is currently open acreage; however, there is an existing commercial building in which the applicant is requesting to build an new addition towards the rear of the existing building.

Water: This site is served by an existing 16" water line along the south side of Business 83. There is an existing fire hydrant located at the NW corner of this site. (NOTE: The Fire Marshal shall make the final determination as to the need for any additional fire hydrants or other requirements for fire to the building.)

Sewer: Sewer is provided to the site through an existing 12" sewer line also located along the south side of Business 83. The Capital Sewer Recovery will be required in the amount of \$6,420.00 (\$750/acre X 8.56ac.).

Streets & Drainage: The property has frontage along Business 83 which does not require additional right-of-way or paving. Drainage will be reviewed during the building permit stage.

Other Comments include:

- Since this is a commercial property, Park Fees will not be imposed.
- Must install / escrow 5' sidewalks during the building permit stage.
- Provide proof of exclusion from the Water District. (Letter from UID)
- There are existing street lights along Business 83; no new street lighting required.

Staff recommended approval subject to: 1) Payment of Capital Sewer Recovery fee; 2) Install/Escrow 5' sidewalks along Business 83; and 3) Provide proof of exclusion from the water district; (water rights conversion).

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

Mr. Mario Garza asked Mr. Salinas where staff wanted them to install the sidewalk.

Mr. Salinas replied, "Along Business 83 frontage".

Mrs. Marisela Marin asked Mr. Salinas if that was the only entrance for the whole tract.

Mr. Salinas replied, "Yes".

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

There was no response.

Vice-Chairman Ned Sheats asked if the whole tract was zoned C-1 (Office Building).

Mr. Salinas replied, "Yes". He mentioned that he believed this was not the last time they would be seeing this tract because someone would probably want to develop something there in the future. Mr. Salinas stated that the only reason this item was being considered was because they want to do an addition to the existing building and in order to do that they would need to go through a single lot variance or 1-lot subdivision.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the single lot variance as recommended by staff. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:17 p.m.

Ended: 5:21 p.m.

ITEM #3.1

Single Lot Variance:

**A 4.37 acre tract of land out of Lot 28-11,
West Addition to Sharyland Subdivision
AO-I
Melissa E. Davis**

Mr. Bobby Salinas went over the write-up stating that this property is located on the SE corner of

Mile 2 and Bryan Road. The property measures 297.78' X 639.20' for a total square footage of 190,340.97 sq. ft. The property used to have a single family home that was recently demolished. There is currently only a metal garage and a storage room on the property. The applicant wishes to construct a new single family home on the property. Since the property was divided after August, 1974, Ms. Davis must comply with the Single Lot Variance process.

Water: There is an existing 12" water line along the south side of Mile 2 and a 12" line along the east of Bryan Rd. 1 additional fire hydrant will be required along the north east corner of the property as per the direction of the Fire Marshal.

Sewer: The site has access to an existing 15" sewer line located along Bryan Rd. The Capital Sewer Recovery will be required in the amount of \$200.00 (\$200/HUE).

Streets & Drainage: This subdivision abuts both Mile 2 and Bryan Road., both future 100' ROW, 65' B/B streets. A minimum dedication of 50' of right-of-way shall be required from the centerline of both Mile 2 and Bryan as the MPO Thoroughfare plan. Also, 2 Mile Road was recently widened to 48' B/B, leaving a balance of 8 ½' along the north and south sides. Since we do not foresee additional widening along Mile 2 in the near future, staff is requesting the additional 8 ½' pavement section along Mile 2 to be placed in escrow at \$38.44/l.f. as per a memo from Roberto Salinas, P.E. from June 24, 2009. The cost to escrow the 8 ½' paving for 2 Mile Road would be \$24,570.85 (\$38.44/l.f. x 639.20'). Bryan Road would also need to be widened or escrowed to be a minimum of 32.5' from the centerline. The cost to widen Bryan Road to its fullest width is based on \$78.73/l.f. If the applicant chooses to escrow the cost would be \$23,442.98 (\$78.73/l.f. x 297.78'). Storm drainage will be accomplished through on-site detention.

Other Comments include:

- Park Fees in the amount of \$300.00 are required for the lot.
- Must install/escrow 5' sidewalks along Bryan Rd. \$3,573.36 if escrowed; (297.78' X \$12/L.F.)
- Must provide proof of exclusion from the Water District. (Letter from UID)
- There are existing street lights along 2 Mile Rd. and Bryan Rd.; no new street lighting is required.

Staff recommended approval subject to: 1) Dedication of a minimum of 50' of ROW from the centerline of both 2 Mile and Bryan; 2) Payment of Fire Hydrant Installation, Capital Sewer Recovery & Park fees; 3) Escrow the widening costs for 2 Mile Rd. and Bryan Rd.; 4) Escrow/Install the 5' sidewalks along Bryan Rd.; and 5) Provide proof of exclusion from the water district (water rights conversion).

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 was present.

Representing Mrs. Melissa Davis, Mr. Lupe Garcia was present to address any questions from the Board.

Vice-Chairman Ned Sheats asked Mr. Garcia if the applicant was receptive to staff's recommendations.

Mr. Garcia replied, "Yes".

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the single lot variance as recommended by staff. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Tijerina mentioned that on behalf of Mr. Rick Salinas and the applicant they would like for this item to remain on the table until there is a full board present.

Vice-Chairman Ned Sheats asked Mr. Salinas if he was receptive to having this item being heard if both parties came up with an agreement.

Mr. Rick Salinas stated that he would be receptive only if they had a workable solution.

Vice-Chairman Ned Sheats entertained a motion to remove the item from the Table. Mr. Mario Garza moved to remove the item from the Table. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:23 p.m.

Ended: 5:48 p.m.

ITEM #4.0

**Tabled Conditional Use Permit: Home Health Agency in an AO-I Zone
2508 E. 2 Mile
A .75 acre tract of land out of Lot 296,
John H. Shary Subdivision
AO-I
Norma A. Torres**

Vice-Chairman Ned Sheats asked Mr. Salinas if he had met with the whole neighborhood or individually.

Mr. Salinas stated that he had not met with anybody but had talked with Mr. Oakley over the telephone who he believed was the spokesman for the neighborhood.

Vice-Chairman Ned Sheats asked the opposing neighborhood if they would be willing to consider approving the conditional use permit if the applicant would be willing to relocate within 6 months but no more than 1 year to relocate.

Mr. Oakley asked if they could have a few minutes to discuss the requests amongst themselves.

Vice-Chairman Ned Sheats replied, "Yes".

Mr. Oakley stated that they would be willing to consider if the request was for no more than 6 months.

Mr. Rick Salinas stated that Mr. Torres would not have a problem in relocating his business if he could get all his licenses approved within 6 month to a year but he would not like to commit to a timeframe and in the future apply for an extension. Mr. Salinas added that to him it didn't seem he would get anything approved in less than 12 months especially because there were several organizations they helped with. He added that usually any programs that is federally funded takes time to get their applications reviewed and approved.

Mr. Torres mentioned that just to offer help for the Veterans in Texas that application took six years to get approved.

Vice-Chairman Ned Sheats asked if he was correct in saying that no people were working from the home.

Mr. Salinas replied, "Yes". He added that the issue with the amount of vehicles on the property would be resolved immediately.

Mr. Oakley stated that he would want to see a timeline of an application approval.

Mr. Salinas stated that they wanted to comply and work with staff.

Mr. Oakley stated that they wished them well but they just would like to see that area more like a neighborhood.

Vice-Chairman Ned Sheats stated that he would suggest that they submit a timeline of the different applications that need to be approved prior to relocate to another location to staff so that if could be available during the next meeting.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to 'Table' the conditional use permit. Ms. Diana Izaguirre 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. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:48 p.m.

Ned Sheats, Vice-Chairman
Planning and Zoning Commission