

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

P&Z PRESENT

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

STAFF PRESENT

Daniel Tijerina
Susana De Luna
Patricio Martinez

GUEST PRESENT

Leo Rodriguez
Bill Ferguson
Juan Garza
Jesus Ruiz
Anabel Ramirez
Marco A. Ramirez

CALL TO ORDER

Chairman Rene A. Flores called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Rene A. Flores asked if there was any citizen's participation.

There was no response.

APPROVAL OF MINUTES FOR JUNE 25, 2014

Chairman Rene A. Flores asked if there were any corrections to the minutes for June 25, 2014. Mr. Ned Sheats 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 6.299 acre tract of land out of
Lot 5, Miller Bros. Nursery Re-Subdivision
AO-I to R-1
Nora Davila**

Mr. Daniel Tijerina went over the write-up stating that the site is located approximately 300' south of Mile 2 south of Hillcrest Drive. The site measures 326.01' x 843.04'. Access to the site will be from Hillcrest Drive. (NOTE: This property will still need to go through the subdivision process after the re-zoning.)

P&Z had seen a previous request from Ms. Davila last year in order to change the zone to R-2, however was denied by P&Z at that time. She is now seeking an R-1 (Single Family Residential) zone.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: AO-I – Agricultural Open Interim
S: R-1 – Single Family Residential

LAND USES: N: Single Family Subdivision
E: Single Family Subdivision
W: Ranch Setting
S: Single Family Subdivision
Site: Open Acreage

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

REVIEW COMMENTS: The property is surrounded by existing single family residential lots to the north, east, and south. The future land use map also shows this land as LD, which is intended for future single family residential homes, i.e. the R-1 Zone.

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

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

Started: 5:04 p.m.

Ended: 5:21 p.m.

ITEM #1.2

Rezoning: **Lots 2 & 4,**
Toellner Subdivision
R-1 to R-3
Keystone Construction

Mr. Daniel Tijerina went over the write-up stating that the site is located ¼ mile south of Business Highway 83 along the eastern side of San Antonio Avenue. The two lots measure a total of 175.24’ x 225’ (39,429 sq.ft.). This site has access off of San Antonio Avenue.

SURROUNDING ZONES: N: R-3 – Multi-Family Residential
N: C-1 - Office Building

E: AO-I – Agricultural Open Interim
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

LAND USES: The surrounding land uses consist of apartments to the north, open acreage to the east, and single family homes to the west and south. The subject site is currently open acreage.

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

REVIEW COMMENTS: This particular property is located directly on what Staff has determined to be the line of demarcation that divides apartments from single family homes. In doing some research, Staff found three previous occasions where these two lots have come before P&Z and City Council for re-zoning consideration, however, in all three occasions the request was denied. It is noted that at one of the previous public hearings held, strong neighborhood opposition was voiced. Some of their concerns were: increased traffic and problems with other apartments in the area (vagrancy, vandalism, and other crimes).

RECOMMENDATION: Since this is the line of demarcation dividing apartments from single family homes and the previous denials for the preceding R-3 re-zonings, Staff recommends denial.

Chairman Rene A. Flores asked just for clarification staff was recommending denial based on the line of demarcation dividing the apartments from the other zonings.

Mr. Tijerina replied, “Yes”.

Chairman Rene A. Flores asked what type of opposition staff has received in regards to this rezoning request are they in a form of petitions, phone calls, etc.

Mr. Daniel Tijerina stated that staff had received two calls in opposition to this request from who residents who were unable to attend the meeting. Mr. Tijerina stated that those two residents were Mrs. Maria Gomez & Guadalupe Cantu.

Chairman Rene A. Flores asked if there was any public opposition to the request.

Mrs. Teresa & Mr. Michael S. McCleary who reside at 506 San Antonio which is the adjacent property owner stated that they valued the single family setting. She added that there were some apartments on 4th street towards the end of the street and on the left side there is a little store which they have had criminal issues about a month ago. She mentioned that her concerns were that there was inadequate drainage for the capacity of apartments, have problems with street, cars go fast through the street, people from the restaurant/bar park on the street, and property values would decrease.

Mr. Leandro Sandoval who resides at 511 San Antonio stated that he has lived at this address for 45 years and he recalled that the City had already told the previous applicants that no

apartments would be allowed at this location. He stated that if anybody wanted to build in those lots they would only be able to construct a home on each lot. Mr. Sandoval stated that from the fence south it was residential and to the north it was zoned commercial. He added that there were already too many apartments in the area to allow even more would be too much especially since there was not enough drainage. Mr. Sandoval stated that there were some lots that were vacant that get flooded when it rains. He added that there are some apartments that were more than 50 years old. Mr. Sandoval stated that this area was residential and if they wanted apartments they would need to look for a commercial area.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

Mr. Ned Sheats stated that normally he would side with the neighborhood and residents; however there is a unique thing that stands out about this property. He mentioned that he has been on this Board the three times this property has been denied and it has always been for R-3, which he didn't believe they could continue to do that. Mr. Sheats stated that he respected the neighborhood and their needs but thought that under any circumstances this Board could allow R-3 for all of the reasons that were mentioned. He would like to suggest that this item be placed on the 'table' until we can get the applicant to possibly entertain either R-1T or R-2 for this particular property that would allow him to do good drainage and have a reasonable return on his dollar for the amount of people on there. He would also request that just like he did with the Melba Carter group that the City look into improving the quality of life for these residents like putting curb and gutter, and some drainage.

Mrs. Marisela Marin agreed with Mr. Sheats on not allowing the R-3 but if they deny the request then the drainage problem would not be solved so how can the City address the issue of the drainage which seemed to be the biggest concern without bringing something new in. Mrs. Marin asked what happens to the vacant lots that are between Union and Toledo what is allowed on that property.

Mr. Tijerina stated that this property was designated as low density so if they wanted to construct something on the property they would either have to do a 1-lot plat or a single lot variance and could access Toledo and Union Street in order to be able to construct a home on each lot.

Mr. Ned Sheats stated that classic zoning was exactly what he was trying to get started from going from an R-3 to an R-2 to an R-1T. He mentioned that in either case the people in the residential area don't have the same traffic flow, vehicles speeding or noise. He added that he believed that the people who owned their townhomes are less likely to be partiers. Mr. Sheats stated that this zoning could also be extended to other agricultural lots staff would only need to require proper buffering.

Mr. Tijerina stated that on R-3, R-1T or R-2 zones then we would apply buffers to adjacent single family residential whether it is a block wall with landscaping to keep the separation between the low density and the R-1T, R-2 or R-3.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats move to Table the item so that staff can get with the applicant to discuss other lesser zoning possibilities. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:25 p.m.

ITEM #1.3

**Rezoning: Lot 1, Navy Army Community Credit Union Subdivision
AO-I to C-3
Sharyland Developers, LLC**

Mr. Daniel Tijerina went over the write-up stating that the site is located 250' north of E. 4th Street along the east side of Shary Road. The lot measures 311.07' X 325' which equates to 97,895 sq.ft., 2.247 ac net.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim (C-3 proposed)
E: R-1 – Single Family Residential
W: C-4 – Heavy Commercial
S: C-3 – General Business

LAND USES: The surrounding land uses consist of open acreage to the north & south, the old SISD Transportation-Maintenance Dept., and a residential subdivision to the east. The subject site is currently open acreage.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Rd. frontage.

REVIEW COMMENTS: The subject property has been part of a commercial 'reserve' since the inception of the Shary Crossing's master plan. C-3 is consistent to area zonings along Shary, commercial area uses, and is fully compliant to the FLUM's GC designation.

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mr. Bill Ferguson stated that he was a Real Estate Broker in Corpus Christi who was representing the Army Navy Community Credit Union on the conditional use permit and also Mrs. Cindy Ramos who is the Vice President of Operations for the Army Navy were present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:40 p.m.

ITEM #1.4

**Conditional Use Permit: 7 Drive-Thru Lanes for Banking Services
for Navy Army Community Credit Union
408 S. Shary Road
Lot 1, Navy Army Community Credit Union Subdivision
AO-I (C-3 Proposed)
Navy Army Community Credit Union**

Mr. Daniel Tijerina went over the write-up stating that the site is located 250' north of E. 4th Street along the east side of Shary Road. The lot measures 311.07' x 325' which equates to 97,895 sq.ft., 2.247ac net. The applicant is proposing to build a new bank. The new bank is proposing primary access off of Shary Road. They are currently asking for a CUP for 5 drive-thru lanes for banking services and 2 ATM lanes.

- **Hours of Operation:** Monday – Friday from 7:30a.m. to 6:30p.m. and Saturdays from 9a.m. to 1p.m.
- **Staff:** 12 employees (in shifts)
- **Parking & Landscaping:** The bank measures approximately 6,400 sq.ft. which requires 19 parking spaces. There are 63 proposed parking spaces, exceeding code by 44. The applicant must also comply with the City's landscaping code, inclusive of landscape hedges along Shary Road with at least 1 tree for every 30' of frontage along Shary Road and 6' masonry trash enclosure with opaque gates. Staff also recommends a landscape hedge between the common access easement and the banking lanes in order to provide a buffer between the lanes and the residential uses to the east.
- Must comply with the City's Building and Fire codes.
- A business license is required prior to occupancy

REVIEW COMMENTS: This new bank will be a great asset to the area and should help create additional commercial uses along Shary Road. The drive-thru lanes have enough stacking to accommodate over five vehicles per lane. The traffic from the lanes will face south away from the residential uses to the east. Notices were sent out to property owners within the 200' radius of the site. Staff has not received any comments for or against this request.

RECOMMENDATION: Staff recommends approval for 1 year subject to:

1. Compliance with Landscaping, Building, and Fire codes;
2. Must acquire a business license; and
3. CUP not transferable to others.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Representing the applicant, Mr. Bill Ferguson whose address is PO Box 811 in Corpus Christi was present to address any questions from the Board.

Mr. Ned Sheats mentioned he had a question on the flow. He stated that coming down on Shary in the south entrance the exhibits shows the cars running into each other.

Mr. Ferguson stated that the difficulty on curb cut were you have joint property lines and a joint use like these that's the way it will work. He added that they were trying to direct as much traffic as they can. Mr. Ferguson stated that they were going to try to get the members to utilize the northern curb cut as an entrance so that they won't be crossing over against the traffic. Mr. Ferguson stated that with TXDOT limiting the curb cuts they are going to see a lot of these joint curb cuts all over the place. He added that they didn't allow them to have a curb cut on their own property.

Mr. Ned Sheats stated that the three lane curb cut on the northern part would solve the problem on the southern area. He asked what would be the possibility of having a three lane curb cut on the bottom or removing the island. Mr. Sheats stated that he was not aware of how the people would drive in Corpus Christi but around here they are asking for accidents to happen.

Mr. Ferguson asked Mr. Sheats if he was suggesting them to have a three lane curb cut there with two entry lanes and one exit so that they would have one entry and exit in their property.

Mr. Ned Sheats replied, "Yes".

Mr. Ferguson stated that he would need to go back to TXDOT to get permission in order to be able to do that.

Chairman Rene A. Flores stated that he probably would not need to do that but need just an exit lane.

Mr. Ferguson stated that he would think that Dairy Queen would also want an exit.

Chairman Rene A. Flores stated that another option would be to shave the island to have more maneuverability room.

Mrs. Marisela Marin asked if it was all Dairy Queen's property.

Mr. Tijerina mentioned that they were two separate properties that happen to join each other.

Mr. Ned Sheats asked who owns the majority of the property Dairy Queen or the Bank.

Mr. Tijerina mentioned that each property owned half.

Chairman Rene A. Flores stated that the majority of the bank was in their property.

Mr. Ferguson stated that the exit and entry was right on the property line.

Mr. Ned Sheats asked if the main exit would be in that area.

Mr. Ferguson stated that it would be there and through the alley. He added that if TXDOT allowed the three lane curb cut and the bank was willing to go along with it they could try to accommodate it. He stated that their priority was the safety for their members.

Mrs. Marisela Marin asked if the alley was wide enough to accommodate the traffic because it looked a little narrow.

Mr. Ferguson stated that he believed it was about 25' to 30' wide.

Mr. Ned Sheats suggested they install some speed bumps to slow the traffic down.

Ms. Diana Izaguirre asked if the only item being considered was the site plan for the bank.

Mr. Tijerina replied, "Yes". He added that the subdivision plat had already been recorded and the rezoning had been recently approved.

Ms. Diana Izaguirre asked if the City has already reviewed the site plan for Dairy Queen.

Mr. Tijerina replied, "No". He added that it would come before P&Z at a later time. He mentioned that they were working at a fast pace and then it slow down a little bit.

Ms. Diana Izaguirre asked if they had approved any construction plans.

Mr. Tijerina replied, "No".

Ms. Diana Izaguirre mentioned that they could make any changes they think would be necessary.

Mr. Tijerina replied, "Yes". He added that he would talk to our City Engineer J.P. Terrazas who came from TXDOT to see if they could have the same type of entrance.

Ms. Diana Izaguirre asked if they could approve the conditional use permit pending the review by the City Engineer and TXDOT.

Mr. Tijerina replied, "Yes".

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation including

the review by the City Engineer J.P. Terrazas and Juan Sustaita from TXDoT. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:46 p.m.

ITEM #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Asadero Los Cabritos Restaurant
1512 E. Expressway 83, Ste. 104
Lot 3, Stewart Plaza Subdivision
C-3
Asadero Los Cabritos Restaurant**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the SW corner of Stewart Road and Expressway 83. There is a new commercial plaza located on the site which used to have a 4,000+ Chinese restaurant that is now closed. There is a new proposal within the same suite (however now reduced to 2,800 sq.ft.) for Mexican restaurant with the sale and on-site consumption of alcohol at the same suite. There will be no 'bar' component in the restaurant. Access to the site is from a 40' driveway entrance off of Expressway 83. There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

- **Hours of Operation:** Everyday from 8a.m. to 12:00a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 6 employees
- **Parking:** In viewing the floor plan, the suite has 94 seats, which requires 31 parking spaces (94 seats/ 3 = 31.3 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses. Staff did not receive complaints regarding parking during Da San Yuan's operation.
- Must comply with all City codes, including all Building, Fire, and Health codes.
- Must acquire a business license prior to occupancy.

REVIEW COMMENTS: This proposed CUP seems to be for a family oriented restaurant due to the hours of operation and the menu being proposed. When DA Sa Yuan was in operation, Staff did not receive any complaints in regards to the business, thus we do not anticipate any problems with this similar request.

RECOMMENDATION: Staff recommends approval for 1 year subject to:

1. Compliance with all City Codes including all Building, Fire, and Health codes; and
2. Must acquire a business license.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mrs. Anabel Ramirez whose business address is 1512 E. Expressway 83, Suite 104 was present to address any questions from the Board.

Chairman Rene A. Flores asked Mrs. Ramirez if she was receptive to staff's recommendations.

Mrs. Ramirez replied, "Yes". She mentioned that they had already obtained the Health & Fire Inspections.

Chairman Rene A. Flores asked Mrs. Ramirez when they anticipate opening for business.

Mrs. Ramirez stated that if everything else went well on Saturday. She added that she wouldn't be able to serve beer but food she would.

Chairman Rene A. Flores asked Mrs. Ramirez from where they get their cabritos.

Mrs. Ramirez stated that they would get them from Monterrey and Reynosa and they were very good cabritos. She added that her husband and her father-in-law have been in business for 37 years so they knew what they were doing.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats 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: 5:46p.m.

Ended: 5:56p.m.

ITEM #1.6

Conditional Use Permit:

**Outdoor Commercial Recreation in an
AO-I Zone – Kitty Party Room
5.89 acre tract of land out of Lot 30-8,
West Addition to Sharyland Subdivision
AO-I
Luis H. Khit**

Mr. Daniel Tijerina went over the write-up, the site is located ¼ of a mile east of Conway (SH 107) along both Turista and Victory Lane. There is a 3,431 sq.ft. structure on the property which the applicant wishes to use as a party/banquet hall for kid's parties. Access to the site is either through Victory St. or Turista Street.

- **Hours of Operation:** Friday – Sunday from 10a.m. to 11p.m.
- **Staff:** 1 employee
- **Parking:** The applicant is proposing to install a 20' all-weather surface (caliche) drive that will connect both Turista and Victory Lane and will lead up to the existing structure where a total of 28 parking stalls will be installed along the front of the existing building.

- **Section 1.56(5):** This section of the Zoning Code states that such amusements must be at least 300' from residential areas measured lot line to lot line. There is an adjoining residential subdivision located along the west side of the site and multiple residential apartments on the south side of the site. The code also does allow for a waiver of this requirement if the P&Z Commission so wishes to waive this requirement.

REVIEW COMMENTS: P&Z may recall this property as what was proposed as Khit Subdivision. At that time Mr. Khit wanted to build a new home on the property, however due to the subdivision code, Staff was requiring the connection of Turista and Victory Lanes with a street. Now he wishes to utilize the existing building on the property for parties. Staff believes that this type of business would increase the amount of traffic through Victory and Turista and create additional noise that does not currently exist, thus 300' separation requirement from residential properties. This requirement is in place in order to protect the residential uses and neighborhoods in the area.

Furthermore, if P&Z wishes to approve the CUP, the subdivision process would still need to be complied with, which would require a fully dedicated 50' ROW, 32' B-B paved street to connect Turista and Victory Lane, in addition to the other subdivision requirements necessary to comply with the Subdivision Code, i.e. water looping, fire hydrants, sewer service, etc.

RECOMMENDATION: Staff recommends denial.

(If approved, must comply with Subdivision code, waiver of separation requirement, provide an 8' buffer fence along the west and south sides of the lot, must comply with the noise code, must comply with Building and Fire Codes, and must acquire a business license.)

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

Chairman Rene A. Flores asked what the land was currently been used as.

Mr. Tijerina stated that currently he has some horses on the property.

Chairman Rene A. Flores stated that basically what discouraged Mr. Khit from doing a single family residence was the subdivision ordinance, which might also discourage him from moving forward with this proposal.

Mr. Tijerina stated that he was correct.

Chairman Rene A. Flores asked what designation the Future Land Use Map has for this area.

Mr. Tijerina stated that he was not sure but thought it was designated as Low Density.

Chairman Rene A. Flores stated that he envisioned something like what Jaime Valdez has on 2 Mile Line La Muñequita Ranch for this property. He added that he believed Mr. Khit just wanted to do something with his land.

Mr. Tijerina stated that he had the opportunity to go out there personally and there is neighborhood opposition he had some opposition he was just surprised nobody showed up for the meeting. He added that on both Turista and Victory were all single family houses. Mr. Tijerina mentioned that there was water and sewer out there, however no fire hydrants and no drainage similar to what they were looking at in the San Antonio area. He added that both streets need improvements, which the City would need to get a cost estimate for those improvements. Mr. Tijerina mentioned that another option would be for Mr. Khit to get access through Mayberry Road.

Mr. Ned Sheats stated that nobody is telling Mr. Khit that they can't do an R-1, R-2, R-3 or anything else. He could do a whole lot of things with his property this case would not be similar to the item that was tabled because he has options the only thing is he needs a better layout but not just for that area but for the whole acreage.

Mr. Mario Garza stated that the fact that he was not present to ask him if he was willing to comply with the subdivision code, separation requirements, etc. does not help because we don't have answer for all our questions.

Mr. Abiel Flores asked if the separation requirement was from the building to the apartments or the land in general.

Mr. Tijerina stated that it was the land in general.

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

Started: 5:56 p.m.

Ended: 6:09 p.m.

ITEM #1.7

Conditional Use Permit:

**To Install a Portable Building
for Sales Office Use – Toexsa, LLC
1507 E. Expressway 83
Lot 3, Henry Saenz Subdivision
C-4
Global Business Professionals**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 1700' east of Bryan Road along the north side of Expressway 83. This site is currently being used as a semi-tractor sales lot. There are currently two existing portable buildings on the site where 1 is used for a sales office and the other is used as a break/lounge area for the workers. The

applicant wishes to install a new 16' x 60' portable building and remove the existing portable building currently used for their sales office. The applicant is proposing a setback of 138' from the property line that allows the front area to be utilized for commercial vehicle display and customer parking. Access to the site is off of Expressway 83.

- **Hours of Operation:** Monday – Saturday from 8:30a.m. to 6:30p.m., Sundays on call.
- **Staff:** 10 employees
- **Parking:** A business office of this size requires a minimum of 5 parking spaces. The applicant is providing 11 total spaces, thus compliant with code.
- **Landscaping:** There is a lot of existing pavement currently on the lot. Staff is recommending the installation of additional trees within the remaining green areas in order to improve the landscaping of what is currently in existence.
- **ORD. 3602** – This ordinance requires buildings along the Expressway to have stucco finish on the front of the building. Adding stucco to the portable building will give the impression of a site built permanent building.
- Must comply with all City Codes (Building and Fire) prior to obtaining a business license.

REVIEW COMMENTS: It is not uncommon to have a portable sales office for this type of business. The portable being setback 138' from the Expressway will help lessens the portable's visibility. There are also several semi-tractors along the front of the lot that will screen the new portable building. Staff knows that having a portable sales office along Expressway 83 may not be a long term desire of the City when considering aesthetics along a major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure.

RECOMMENDATION: Staff recommends approval for 1 year subject to:

1. The portable building to be skirted;
2. Provide a stucco façade to the building;
3. Must comply with all City Codes (inclusive of Building and Fire).

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Representing the applicant, Mr. Mario Ramirez whose address is 9124 N. 23rd in McAllen was present to address any questions from the Board.

Chairman Rene A. Flores asked Mr. Ramirez if he was willing to comply with staff's recommendations.

Mr. Ramirez mentioned that they have been dealing with the Planning Staff which have been very helpful. He added that the current owner of the property Mr. Henry Saenz had grandfathered in two very old wooden buildings of the property being leased by Toexsa, which is a large industrial heavy equipment type sales. He added that they do a lot of sand trucks,

tanks and used equipment. Mr. Ramirez stated that they have been very successful in the Mission community. He mentioned that they wanted to beautify the place but one of his issues is that he doesn't own the land. Mr. Ramirez stated that it is a portable building in the sense that it could be moved but it is not a permanent mini in any way, shape or form. He added it is not metal building that is not going to make the place look beautiful. Mr. Ramirez stated that they realized the City has done a great job on the Expressway as far as the landscaping and lighting. He added that they had convinced Toexsa to meet those codes the only problem they have is that since a modular building it cannot be stucco because the stucco will crack or break but instead they can skirt it with stone, rock something that would look really nice and they could submit drawings that would reflect that.

Chairman Rene A. Flores stated that it's good that he mentioned one of the concerns he has in regards to the Expressway because to him this is like the main entrance for the City of Mission and they wouldn't want to have any eyesores.

Mr. Ramirez stated that he agreed with him and in this particular property the gentleman wants to meet with the all requirements. He added that they have addressed most of the concerns like the fence, parking, etc. with the owner and at least this property would be a very pretty site.

Chairman Rene A. Flores stated that this Board has the authority to add more conditions as they deem necessary like the re-stripping of the parking lot, black top, landscaping, etc. to make this place look better.

Mr. Ramirez stated that whatever recommendations they needed to comply with just let them know so that they can address them.

Chairman Rene A. Flores stated that for sure he would like to see some re-stripping, black top, landscaping just cleaning up the place, park the trailers uniformly.

Mr. Ramirez stated that the building on the entrance will be removed.

Chairman Rene A. Flores asked Mr. Tijerina what would be staff's opinion of this if they could find some other type of material that could be used instead of the stucco.

Mr. Tijerina stated that Ordinance 3602 does state stucco but staff could revisit the ordinance to see how they can comply without having to do the stucco. He added that they could consider Mr. Ramirez drawings once he shows his proposal.

Mr. Ned Sheats asked if it had a metal front on the building.

Mr. Ramirez stated that it was actually a composition type of sheeting.

Mr. Ned Sheats asked if it was moved in once section or several sections.

Mr. Ramirez stated that was a 16' x 60'.

Mr. Tijerina asked if it was a mobile home.

Mr. Ramirez stated that it was a modular building.

Mr. Ned Sheats asked how this 16' x 60' modular building was broken.

Mr. Ramirez stated that it was broken at 20' spans.

Mr. Ned Sheats stated that he agreed with Mr. Ramirez on the stucco but he didn't see why they couldn't consider clap board, beat board or any other material that could be compatible.

Mr. Ramirez stated that this was going to be a very elegant building.

Ms. Diana Izaguirre stated she has actually parked inside the place and she couldn't really see the building but she would recommend the re-striping.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations including re-striping, resurface the parking, vehicles to be lined up uniformly. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:09 p.m.

Ended: 6:12 p.m.

ITEM #2.0

Site Plan Approval:

**Construction of 6 Apartments
Lots 16A & 16B,
Mission Acres Subdivision
R-3
Jesus F. Ruiz**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 400' north of Business Hwy 83 along the west side of Los Ebanos.

PROPOSAL: To build 1 single story complex containing 6 one bedroom apartments for a total area of approx. 3,531 sq.ft., all divided by 1 hr. rated firewalls.

SETBACKS: The minimum required setbacks based on the subdivision are: 30' along the west side of Lot 16A, Rear: 15', Sides: 6'. All setbacks are being met or exceeded.

PARKING: The 6 units are calculated to require 12 parking spaces based on the 2:1 parking ratio. The applicant is providing the necessary 12 parking stalls, thus in compliance with code.

LANDSCAPING: The new units will require landscaping to include a minimum of 3 trees (1 tree for every two units) being proposed with a combination of plants, and shrubs. The trees

shall be a minimum of 7' tall - 3" caliper shade trees planted within the landscape areas along Truman St.

OTHER COMMENTS:

- Payment of Sewer Capital Recovery Fee are required in the amount of \$420.00 (6 one bedroom apartments X \$70.00/apartment)
- Payment of Park Fees in the amount of \$1,800.00 (\$300.00/apartment)

RECOMMENDATION: Staff recommends approval of the site plan subject to payment of sewer capital recovery and park fees, and provide three 7' tall – 3" caliper shade trees.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

Mr. Ned Sheats asked if they had the ability to quit packing apartments on one lot.

Mr. Tijerina stated that based on the R-3 code it provides on the area of the entire lot it has a formula as to how many apartments a lot could have.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the site plan as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:12 p.m.

Ended: 6:17 p.m.

ITEM #3.0

Single Lot Variance:

**A .56 acre tract of land out of
Lot 186, John H. Shary Subdivision
AO-I
Manuel G. De La Garza**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located approximately 650' north of Victoria Avenue along the west side of Taylor Road. The property measures 135.80' X 180' for a total square footage of 24,444 sq.ft. The site is currently vacant and the applicant wishes to construct a new home. Upon researching the deed records, staff found that the property was split after August, 1974.

Since the property was divided after August, 1974 (the date of adoption of the subdivision code), Mr. De La Garza must comply with the Subdivision code by going through the Single Lot Variance process in order to obtain the necessary permits for construction of the new home.

WATER: There is an existing 8" line located along the west side of Taylor Road, which currently serves this tract. The Fire Marshal is not requiring an additional fire hydrant for this site since there is an existing Fire Hydrant located within 500' of the site.

SEWER: The site has access to an existing 8" sewer line located along west side of Taylor Rd. As required with all new subdivisions, a Capital Sewer Recovery will be assessed in the amount of \$200.00 (\$200/HUE) as per Ordinance No. 3022.

STREETS & DRAINAGE: The subject property has access to Taylor Road, which is a future 80' ROW, 57' B/B street. In viewing the survey of the property it appears that the owner has already dedicated an additional 10' of ROW in order to equate to the necessary 40' of ROW from centerline, thus no additional ROW is required. There is a requirement of their portion of street widening escrow along Taylor Road in the amount of \$7,591.41 (\$55.90 X 135.80'). Storm drainage will be accomplished through on-site detention.

OTHER COMMENTS:

- Park Fees will be required in the amount of \$300.
- The property must be excluded from the United Irrigation District.
- Escrow for 5' sidewalks is required which equates to \$1,497.60 (135.80' – 11' Driveway = 124.80' X \$12/L.F.)
- The property will also need to be re-zoned to R-1 or R-1A.
- There are existing street lights along Taylor Rd.

RECOMMENDATION: Approval subject to:

1. Payment of the Capital Sewer Recovery and Park fees,
2. Must escrow the street widening and sidewalk installation along Taylor Rd.;
3. Must apply for re-zoning;
4. Must provide proof of water district exclusion.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the single lot variance as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:18 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission