

**PLANNING AND ZONING COMMISSION
AUGUST 24, 2011
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Carlos Lopez
Guadalupe Vela
Luann Caudle
Marisela Marin
Mario Garza

P&Z ABSENT

Rene Flores

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Irasema Dimas

GUESTS PRESENT

Juan Amancio Garcia
Li Min Do
Oscar Garza
Alfonso Quintanilla

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry by Chairman Sheats.

APPROVAL OF MINUTES FOR AUGUST 10, 2011

Chairman Sheats asked if there were any corrections to the minutes for August 10, 2011. There being no corrections, Mr. Vela moved to approve the minutes as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:04 p.m.

ITEM # 1.1

Request by Malmaison Luxe Architecture Committee to not require sidewalks along Travis Street within Malmaison Luxe at Trinity Subdivision

Mr. Zavala stated that Malmaison Luxe at Trinity Subdivision is located approximately ¼ mile east of Bryan Road along the north side of Trinity Street. Malmaison is a single street subdivision, which contains 28 single-family lots that were recorded in April 2007. He stated that since several houses within the subdivision have installed the sidewalks, staff recommended denial to the request and continues requesting the installation of sidewalks within the subdivision.

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

There was no response.

Mr. Sheats asked if there was anyone in favor of the request.

There was no response.

There being no further comments, Chairman Sheats entertained a motion. Mr. Garza moved to deny the request as presented by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:09 p.m.

ITEM # 1.2

Conditional Use Permit:

**Drive-Thru Service Window for the
Sale of Sno-cones and Snacks**

2513 W. Expressway 83

Lot 18, Ala Blanca South Subd., Unit 1

C-3

Life of Use

Juan Amancio Garcia

Mr. Salinas went over the write up stating that the site is located 50' west of Paloma Street along the south side of the frontage road along Expressway 83. There is a building with 2 suites, where one is utilized as a massage business and the other is going to be utilized for the sale of sno-cones and snacks. The suites are divided by an approximately 18' concrete driveway with a roof. Customers currently access the site through an existing driveway cut along Expressway 83, then exit through an existing alley, which takes them to Paloma Street. The applicant is proposing to divert traffic past the existing driveway to Paloma Street to enter through the existing alley, and then exit out through the existing driveway. This new design would allow stacking for 3 cars in addition to the 2 cars that would be at the pick-up window and order window for a total of 5 vehicles. Staff has a concern with the proposed change in access because people are accustomed to entering off of the frontage road and they are also driving at high speeds. In order to aid in changing the access, we recommend "Do Not Enter" and "Exit Only" signs along with painted directional arrows to be placed at the entrance of the driveway cut in order to deter people from entering off of the frontage road. The directional arrows and signage are to be perpetually maintained.

- **Hours of Operation:** Monday – Sunday from 1:00 p.m. to 10:00 p.m.
- **Staff:** 3 employees
- **Parking:** Regarding parking a total of 10 spaces are required for the two businesses. The new parking layout allows for 11 spaces.

- **Landscaping:** As far as landscaping, there is an existing mature oak tree and shrubs along the front yard area and some ivy along the driveway area, adjacent to the suite.
- Must acquire a business license

Staff recommended approval subject to: **1)** 6 month re-evaluation to assess the traffic situation, **2)** installation of signage along the access area off of Expressway 83 and painted directional arrows, **3)** change the existing parking layout, **4)** acquisition of a business license, and **5)** installing a walkway rail.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Juan Amancio Garcia was present to answer any questions from the board.

Mrs. Caudle asked if the alley was paved.

Mr. Salinas replied that it was.

Mrs. Marin asked if there was enough room within the drive-thru in order to install the railing and have a big vehicle.

Mr. Salinas replied that there would be enough space.

Chairman Sheats asked the applicant if he was willing to comply with the requirements.

Mr. Garcia replied that he would comply with all the requirements.

There being no further comments, 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: 5:09 p.m.

Ended: 5:12 p.m.

ITEM # 1.3

Conditional Use Permit Renewal:

**To have a Guest House
2709 E. 2 Mile Road
11.04 acres out of Lot 296,
John H. Shary Subdivision
AO-I**

**Life of Use
Paula Price**

Mr. Salinas went over the write up stating that this 11-acre site is located at the NW corner of Mile 2 and Taylor Road. The site has the owner's single-family residence and a second mobile home residence that was previously approved by P&Z on 8/22/07 as a guesthouse.

This mobile home residence was previously approved as a second home for the applicant to provide health care for her parents. After the passing of both parents, the applicant wished to keep the mobile home as a guest home in order to have visiting relatives' stay for short periods of time, usually during the various holiday's seasons. The Mobile home measures 27' x 56', has skirting, is connected to the primary structure's utilities i.e., does not have independent services, and is exceeding all setback requirements. There is also a recorded affidavit stating that the mobile home can only be used as a guesthouse.

Since there have been no problems or issues ever reported regarding this CUP and the applicant has continued to comply with all requirements, Staff recommends approval subject to: **1)** a 3 year re-evaluation, **2)** continued linked utility and electrical connections, and **3)** not to be used for rental purposes.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no other comments, Chairman Sheats entertained a motion. Mrs. Marin moved to approve the conditional use permit as recommended by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:12 p.m.

Ended: 5:14 p.m.

ITEM # 1.4

Conditional Use Permit Renewal:

**Sale and On-Site Consumption
of Alcoholic Beverages –
Dai Tung Restaurant
2402 Brock Street, Suite A
Lots 22 & 23,
Shary Business Center Subd.
C-3**

**Life of Use
Li Min-Do**

Mr. Salinas went over the write up stating that the 4,550' sq.ft. restaurant is located within a commercial plaza approximately 420' south of Griffin Parkway along the east side of Shary Road. This CUP was previously approved by P&Z on 7/14/10, where a 1-year re-evaluation was mandated in order to assess the operation. Staff also requested a report from P.D. to see if there were any issues with this business in relation to the sale and on-site consumption of alcohol. Assistant Chief Robert Dominguez researched the site for any incidents and found that there were no incidents reported.

- **Hours of Operation:** Everyday from 11:00 a.m. to 9:30 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 16 employees
- **Parking:** There are 140 total seating spaces, which require 47 parking spaces (140 seats/1 space for every 3 seats = 46.6 parking spaces). It is noted that the parking area is held in common (153 existing parking spaces) and is shared with other business.

Since there have been no issues at this family oriented restaurant, the CUP should be approved for 3 years to assure continued compliance.

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.

The restaurant manager was present to answer any questions.

There being no comments, 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: 5:14 p.m.

Ended: 5:16 p.m.

ITEM # 1.5

Conditional Use Permit Renewal:

**Sale and On-Site Consumption
of Acoholic Beverages –
Mariscos El Mar
Seafood Restaurant
2500 E. Expressway 83, Ste. 100
Lot 5-B,**

**Sharyland Place Subdivision
C-3
Life of Use
Armando Treviño**

Mr. Salinas went over the write up stating that the 1,500 sq.ft. restaurant site is located within the Kohl's Commercial Plaza approximately ¼ mile east of Shary Road along the south side of Expressway 83. P&Z previously approved this CUP on 5/26/10 with the conditions of wet zoning the property, acquiring a business license, and a 1-year re-evaluation. Staff requested a report from P.D. to see if there were any issues with the business in relation to the sale and on-site consumption of alcohol. Assistant Chief Robert Dominguez researched the site for any incidents and found that there were no incidents reported.

- **Hours Of Operation:** Monday-Thursday & Sunday – 10 a.m. to 10 p.m.
Friday and Saturday – 10 a.m. to 11 p.m.
- **Staff:** 5 employees
- **Parking:** Viewing the floor plan, there are 64 total seating spaces, which require 21 parking spaces (64 seats/1 space for every 3 seats = 21.3 parking spaces). It is noted that the parking area is held in common (657 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to Wal-Mart's existing, interlocking parking lots.
- **Sect. 6.4:** This request is compliant to Sect. 6-4, which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured door to door for church or hospital; measured lot line to lot line for schools).
- There was a sign code violation where Staff mailed a letter to reconcile to Code; i.e., they placed some off-premise signs along Expressway/Shary Road. Upon re-inspection, staff found that the signs have been removed.

Staff recommended approval subject to a 3-year re-evaluation to assure compliance.

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.

There was no response.

There being no other comments, 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: 5:16 p.m.

Ended: 5:29 p.m.

ITEM # 2.0

**Pre-Final Plat Approval: Las Estrellas Subdivision No. 1
15.50 acre tract being the N. ½ of Lot 67,
Nick Doffing Company Subdivision No. 3
And all of Lot 67,
Nick Doffing Subd. No. 4
Rural ETJ
Developer: GARCO, Ltd
Engineer: Quintanilla, Headly & Assoc.**

Mr. Salinas went over the write up stating that the subdivision is located approximately ½ mile north of Mile 5 along the west side of Minnesota Road. The subdivision consists of 26 lots, where Lots 1, 25 & 26 shall have the option of being used for commercial or multi-family purposes. All other lots shall be used for residential purposes. No residential access will be allowed from Lots 1 & 25 onto Minnesota Road.

The water CCN belongs to AGUA SUD. The developer is providing water by connecting to an existing 8" water line located along the west side of Minnesota Road and extending a new 8" line west into the proposed subdivision, also providing waterline extensions to the north and south for future connections by others. The developer is proposing to install 2 new hydrants; staff does not object to the hydrant locations.

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 meets or 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 1.62 miles away).

The plat dedicates an additional 15' on the perimeter Minnesota Road to equate to 40' ROW from centerline; thus in compliance to MPO requisites. The lots will be fronting 50' ROW, 32' B/B paved streets built to the County's construction specifications. There are also two street stubs (along the western area), one to the north and one to the south, which will maximize emergency traffic circulation. Temporary cul-de-sacs will be in place at the stubbed ends until such future development occurs. Drainage for the subdivision is proposed through the use of swales located in the rear of each property as permitted under County guidelines.

Staff recommended approval subject to meeting the Model Subdivision Rules, and complying with the street alignment policy.

Chairman Sheats asked if swales need to specify its proposed outflow is?

Mr. Alfonso Quintanilla, the project engineer, stated that normally when the elevation of the existing road ditch on the top road allows, they install an 8" PVC from the subdivision to the road ditch in the county road. He stated that in this particular case the road elevation does not allow for that.

Chairman Sheats stated that what they were proposing is to contain all the water on each lot and not go to the road.

Mr. Quintanilla responded affirmatively.

Mrs. Caudle asked the size of the swale.

Mr. Quintanilla replied that it was 30' wide on the rear of the lots.

Mrs. Caudle asked how deep it was.

Mr. Quintanilla replied that it was 2' deep.

Chairman Sheats stated that in his opinion, there would be a lot of puddles.

Mr. Quintanilla replied that the calculations were done based on 9-1/2 year time storm and the drainage district approved it.

Chairman Sheats asked Mr. Zavala if he was okay with the proposal.

Mr. Zavala replied that he was okay with it for several reasons. Cities abide by the County policies and rules that they go by. Theoretically, they are intensifying the runoff then what it would be after construction.

Mrs. Marin asked if when this area becomes part of the city limits would it meet city standards as far as drainage.

Mr. Zavala stated that they have a lot of infill and that the subdivision was not on the perimeter of the rural ETJ, but on the outer area of the rural ETJ so the subdivision coming into the city limits is very unlikely, and to answer the question about meeting city standards it doesn't and they would need to connect to some sort of storm sewer system.

Mrs. Caudle asked if all the future property owners would be advised that the water would go to the swale.

Mr. Quintanilla stated that the deed and the plat state the use and maintenance of swales.

Mr. Oscar Garza, the developer, stated that the issue of drainage is not an issue because of the density. He stated that these lots are ½ acre, which is more than sufficient to sustain OSSF usage and to retain the necessary storm water as calculated to meet minimum county standards.

There being no further comments, Chairman Sheats entertained a motion. Mr. Garza moved to approve the plat as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 3.0
ADJOURNMENT

There being no further items for discussion, Mrs. Caudle moved to adjourn the meeting. Mr. Vela seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:29 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission