

**PLANNING AND ZONING COMMISSION
DECEMBER 12, 2012
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene Flores
Marisela Marin
Ned Sheats
Carlos Lopez
Abiel Flores

P&Z ABSENT

Diana Izaguirre
Mario Garza

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Irasema E. Dimas
Susana De Luna
Sonia Marroquin
Julio Cerda

GUESTS PRESENT

Elias Mata, Jr.
Ernesto Trevino
Gilberto Rocha
Claudia Tienda
Larry A. Reyna
Ramon Almaguer
Delia Herrera
Juan Solis
Perfecto Solis A.
Gilbert J. Guerra
Ivan Garcia
Rolando Garcia
Berta & Bill Filut

CALL TO ORDER

Chairman Rene Flores called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

Chairman Rene Flores asked if there was any citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR NOVEMBER 19, 2012

Chairman Rene Flores asked if there were any corrections to the minutes for November 19, 2012. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:07 p.m.

ITEM #A

Discussion and Action to Amend Future Land Use Map within the Boundaries of Taylor Road to the East, Anzalduas Hwy to the West, Expressway 83 to the North, and Military Road (F.M. 1016) to the South.

Mr. Bobby Salinas went over the write up stating that this is the 4th in a series of FLUM amendments. The FLUM gives the general public, developers, public officials,

and interested others '*broad strokes*' of how the City of Mission's land uses should be located – it is not intended to be a rock solid depiction of a future zoning map. When determining general land use patterns, staff typically factors in the following:

- ❖ Frontage to Existing Major Streets such as FM Roads/MPO arterials – properties next to FM roads or State Highways (or the Expressway) have a larger tendency to be commercial or even attract apartments; if a property is next to Conway (SH 107)
- ❖ Frontage to *Future* Major streets – The MPO Thoroughfare Map is a Countywide map that requires uniform ROW profiles though the road is in different cities; this MPO Map has been reviewed and approved by all municipalities to require the ROWs
- ❖ Existing land uses – if adjoining next to SF Residences, the undeveloped acreage may have a higher tendency to be SF Res – the same for commercially used properties
- ❖ Existing zonings – if undeveloped acreage is in the midst of a certain *zoning* district (middle of R-1), the likelihood is that it will be SF used & zoned & should thus be designated for SF Res purposes
- ❖ Adjoining land uses – if undeveloped acreage is in the middle of a certain *land use*, then it will likely be used similarly
- ❖ Elevation of tracts – if property is naturally in a very low-lying area and it's flood zone reflects this as a perpetual hazard, then it should likely be designated as "Public" for area wide detention purposes and not be designated for SF Res purposes
- ❖ Highest & Best use analysis – this is a common sense approach after factoring all the above items, i.e., Staff can determine what the highest & best use should be for a certain acreage. For example, though there may be estate residential settings along FM 495, the long term effect should likely be for non-residential purposes such as offices, etc.

In order to fully understand the FLUM acronyms, we provide the following legend:

- **LD** – Low Density Residential; typical Single Family Residential setting; zoning would include R-1
- **LDA** – Lower Density Residential; typical SF Residential setting; zoning would include R-1A
- **MD** – Moderate Density Residential; typical uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes)

- **HD** – High Density Residential; typical uses would reflect apartments; possibly clustered townhouses; RV parks; zonings would usually include R-3 and R-4 (RV's)
- **•** - Neighborhood Commercial; typical uses would include convenience stores, barber shops, day cares, etc.; usually found at major intersections or in midst of older residential communities to serve the immediate neighborhood; Zoning is C-2
- **GC** – General Business; typically uses would include retail sales, restaurants, shops, offices, etc.; zonings include C-1, C-2, C-3
- **HC** – Heavy Commercial; typical uses would include heavy equipment sales or uses that require a large outdoor sales area; zoning would be C-4
- **P** – Public – typically includes schools, parks, city or county property

ANALYSIS

Mr. Bobby Salinas stated that in this component of the FLUM, there were several reconciliations of land uses/zonings and proposals to the FLUM that are the following:

SITE LOCATION	FROM/TO	JUSTIFICATION
Lots 10-17, Stewart Plaza Subdivision	HC to HD	This change would correct the FLUM due to the current R-3 zone and the existing apartment use.
Lot 1, Stewart Plaza Subdivision	HC to GC	This change would correct the FLUM to show the existing C-3 zone and would reduce the possibility of converting the lot to a C-4 zone which can have a negative impact to the area.
7.56 acres out of Shares 3, 4, & 5, San Jose Subdivision	P to LDA	This property was previously owned by the Catholic Cemetery, however is now privately owned and is proposed for residential use.
Lagos De Cimarron Subdivision	LD to PUD	This change would correct the FLUM to show that the subdivision is within Cimarron's PUD.
A 2.47 ac. tract out of Lot 165, John H. Shary Subdivision	GC to HD	This property was recently changed to R-3 for a new multi-family subdivision. This FLUM amendment would reconcile the FLUM with the current zone.
		This property is currently going through

A 5.85 acre tract of land out of Lot 166, John H. Shary Subdivision	HD to GC	City Council for approval to GC. This FLUM amendment would reconcile the FLUM with the proposed zone.
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Chairman Rene Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene Flores asked if there were any comments from the board.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the amendment to the FLUM as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:13 p.m.

ITEM #B

Rezoning:

**A 1 acre tract of land out of Lot 294,
John H. Shary Subdivision
R-1A to R-3
Ernesto Trevino**

Mr. Daniel Tijerina went over the write up stating that the subject site is located on the NW corner area of Mile 2 and Shary Road. The 1 acre tract measures 165' x 264'. The proposed use for this property is Multi-family. The existing land use/adjacent zoning include the following: Residential; AO-I (Agricultural Open Interim) to the North, Residential (Mangin Mobile Home); AO-I (Agricultural Open Interim) to the South, Institutional (Church); AO-I (Agricultural Open Interim) to the East, and Residential; AO-I (Agricultural Open Interim) to the West. This property has access onto a 25' caliche drive which exits onto Shary Road. Water and sewer services are provided by the City of Mission. Staff recommended approval.

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

There was no response.

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

The applicant, Mr. Ernesto Trevino was present to address any questions that the Board might have.

Mrs. Marisela Marin asked if he used a caliche road.

Mr. Tijerina replied, "Yes, that's correct".

Mrs. Marisela Marin asked if it was normal for his neighbors and him to use the caliche road to get to their property.

Mr. Tijerina stated that part of the area to Shary Road was paved but if the zone change is approve then staff would be looking at a subdivision which would entail having him dedicate additional right-of-way, extension of water and sewer facilities. He added that at this time staff could only consider the rezoning request.

Chairman Rene Flores asked Mr. Trevino what the plans were for the property.

Mr. Trevino stated that he would like to build as many apartments as possible they would be 1 and 2 bedroom apartments.

Chairman Rene Flores just asked that anything that he builds on that property be of nice quality and looks appealing to the people.

Mr. Trevino stated that he would be building the best apartments possible.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:13 p.m.

Ended: 5:20 p.m.

ITEM #C

Conditional Use Permit:

**Texas Citrus Fiesta Carnival from
January 14, 2013 to January 28, 2013
Approx. 7.4 acres out of Lot 25-6,
West Addition to Sharyland Subdivision
& Lot 1, North Star Plaza Subdivision
Texas Citrus Fiesta, Inc.
c/o Berta Filut**

Mr. Daniel Tijerina went over the write up stating that the subject site is located on the NW corner of Griffin Parkway and Conway Avenue. The current use of property is open acreage. The existing land use includes the following: Open Acreage & Commercial; AO-I (Agricultural Open Interim) & C-3 (General Business) to the north; Commercial; C-3 (General Business District) to the south, east, and west. This site's primary accesses are from Griffin Parkway and Conway Blvd. Water and sewer services are provided by the City of Mission. Staff's evaluation consists of the following:

1. The subject site is located near the NW corner of Conway and Griffin Parkway (F.M. 495).
2. Texas Citrus Fiesta organizers have been given permission to have their annual carnival on the vacant lots to the north and west of the old Carl's Supermarket on the aforementioned dates.
3. The hours of operation are as follows: Weekdays from 5:30 p.m. to 10:30 p.m., and Weekends from 1:00 p.m. to 11:30 p.m.
4. Parking for both events will be provided by utilizing the old Carl's parking lot located to the south. Staff encourages that "No Parking" signs be placed along Conway and F.M. 495 and that there be early morning trash pick-up throughout the entire site during the "Heart of America Shows" Carnival's tenure.
5. The Zoning code states that a carnival site should be a minimum of 300' away from any residentially used property from lot line to lot line. This CUP is compliant to this Code, i.e., there are no homes within 300'.
6. Security will be evident as in past events via Mission PD officers (as hired by TCF) and sufficient restrooms will be available.
7. All provisions of Chapter 10 of the Mission Code of Ordinances – Amusements and Entertainment – will need to be complied with, in particular the insurance coverage requirements for such amusements.

Based on the analysis provided above, staff recommended approval subject to: 1) installation of a perimeter fence/debris stop; 2) installation of "No Parking" signs along Conway and Griffin Parkway; and 3) Meet noise, insurance, and any other related code requirements.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present. He mentioned that Mrs. Berta Filut was part of the Texas Citrus Fiesta every year and thanked her for the job that she does to maintain this tradition in the City of Mission.

Mrs. Filut thanked the Chairman and added that the carnival is proposing to start setting up on January 14 but will not be open to the public until January 17 and shut down on January 27 and leave on January 28, 2013. She added that the carnival was a big part of the Texas Citrus Fiesta and they are probably 2nd to the City of Mission to sponsor the event. Mrs. Filut stated that she was very grateful to the City and very thankful to the carnival people for providing the sponsorships because it is really the money they need to put up this event. She added that they are a non-profit organization and they don't have much money left over afterwards but it is for the community and brings a lot of recognition to the City of Mission.

Mrs. Marisela Marin asked how many years the Texas Citrus Fiesta has sponsored this event?

Mrs. Filut stated that this would be the Texas Citrus Fiesta 76th annual event. She added that it would have been more years but there were about 6 years that they had to cancel between the 30's & 40's because of the war. Mrs. Filut stated that they were considered to be the 3rd oldest event in the State of Texas.

Chairman Rene Flores stated that he thought this was a very important event for the City of Mission and invited anybody that lived in the City to take part in this event.

Mrs. Filut commented that they did a survey and found that \$5.3 million dollars comes in as revenue to the City of Mission within 5 to 6 weeks. It is something that they are really very proud to hold in the City of Mission because they are the Texas Citrus Fiesta from South Padre Island to Rio Grande City.

There being no further discussion, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit request as per staff's recommendation. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:20 p.m.

Ended: 5:23 p.m.

ITEM #D

**Conditional Use Permit: Texas Citrus Fiesta Fun Fair
on January 26, 2013
807 N. Conway Avenue
La Lomita Plaza (AKA Leo Pena Park)
Texas Citrus Fiesta, Inc.
c/o Berta Filut**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Conway and Business 83. The current use of property is public park. The existing land use and adjacent zoning includes: commercial; C-3 (General Business District) in all directions. This site's primary access is from Conway Blvd. Water and sewer services are provided by the City of Mission. Staff's evaluation consists of the following:

1. The fun fair is proposed to be within La Lomita Plaza.
2. Texas Citrus Fiesta organizers will be having their annual "Fun Fair" event on January 26, 2013.
3. Hours of Operation: 10:00 a.m. to 10:00 p.m.

4. Parking: Parking for this event will be provided east and north of the Chamber of Commerce building and east of Fallas Paredes.
5. The Zoning code requires the 'Fun Fair' to be a minimum of 300' separation from residentially used property from lot line to lot line. There are several residential properties within this radius; thus a waiver of the separation requirement needs consideration.
6. Ch. 10 – Amusements and Entertainment: Security will be evident as in the past events via Mission PD officers (as hired by TCF). Restrooms will be available. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment – will need to be complied with.

Based on the analysis provided above, Staff recommends approval subject to: 1) waiver of the 300' separation; 2) must comply with Health and Fire Codes; and 3) must meet Noise, Amusement and Entertainment, and any other related codes.

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

There was no response.

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

Representing Texas Citrus Fiesta, Mrs. Berta Filut was present to address any questions that the Board might have.

Chairman Rene Flores stated that this plaza is not utilized as often and would like to see it utilized more often.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats 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: 5:23 p.m.

Ended: 5:29 p.m.

ITEM #E

**Conditional Use Permit: For the Manufacturing and Re-packaging of Peanuts, Chicharrones, etc. in a C-4 Zone
715 N. Glasscock Road, Ste. 5
Lot 5, 83 International Business Plaza Subd.
Sazón Latino, c/o Ramón Almaguer**

Mr. Daniel Tijerina went over the write up stating that the subject site is located south of US Business 83 and west along "C" Street. The lot measures 40' x 80' (3,200 sq. ft.). The existing land use and adjacent zonings include: Warehouses;

C-4 (Heavy Commercial District) to the north, east, and west, and Mobile homes; R-4 (Mobile & Modular Housing District) to the south. The site's primary access is onto "C" Street. Water and sewer services are provided by the City of Mission. Staff's evaluation consists of the following:

1. The subject site is located within a warehouse plaza 765' south of U.S. Business 83 and west along "C" Street.
2. The applicant is proposing to manufacture, process, & re-package, and store peanuts, chicharrones, etc. within the C-4 warehouse suite. The target customers will be those that will purchase large quantities for their own businesses.
3. Days/Hours of Operation: Monday – Saturday from 8:00 a.m. to 5:00 p.m.
4. Staff: 5 employees
5. Parking is held in common and is shared with other businesses. Re-stripping of the parking area in front of the proposed business shall be required. Staff notes that the proposed use will only be to customers purchasing products in large quantities, and the # of employees can be easily accommodated on the existing parking area.
6. Must comply with all Building, Fire, and Health Codes.
7. Must acquire a business license.

Based on the analysis provided above, staff recommends approval subject to: 1) 1 year re-evaluation in order to assess this new business; 2) must re-stripe the parking area in front of the proposed business; 3) must comply with all Building, Fire, and Health Codes; and 4) must acquire a business license.

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

There was no response.

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

Mr. Ramon Almaguer stated that he represents the company Sazon Latino from Mexico. He added that his clients want to establish their business here in Mission. Mr. Almaguer stated that they handle different types of snacks like roasted peanuts, chicharrones, etc. He mentioned that one of his associates has several warehouses and his idea is to manufacture everything at the site and commercialized in California, Los Angeles, San Antonio, and Chicago.

Chairman Rene Flores asked if everything he would manufacture he would sell as a wholesale or individually.

Mr. Almaguer stated that he would export or sale as wholesale everything nothing would be sold to the general public.

Mrs. Marisela Marin asked if these items would be pre-packaged or they would need to prepare them.

Mr. Almaguer stated that they would have to be prepared and packaged at the site. He added that the prime material comes from Dallas and it meets all the Health requirements so that there won't be any problems.

Mrs. Marisela Marin asked if they would need a Health permit.

Mr. Tijerina, replied "Yes".

Mr. Ned Sheats stated that when he moved in to the area just north of this site on Glasscock this area was in a sorry state of repair and he has noticed that in the past years or so they had several manufacturing mom and pop shops in there and certainly have improved 100%. He thanked Mr. Almaguer for helping with these improvements by putting his business at this location.

Chairman Rene Flores stated that he was not familiar with the area but based on the pictures presented the area looks good.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:29 p.m.

Ended: 5:44 p.m.

ITEM #F

**Conditional Use Permit: Sale & On-Site Consumption of
 Alcoholic at "806 Wings & Bar"
 2005 West Mile 3 Road, Suites 1600 & 1700
 Lot 7, Block 4, Taurus Estates #9
 Subdivision Phase I
 Juan Solis**

Mr. Daniel Tijerina went over the write up stating that the subject site is located between Magdalena and Crisantema Street on the south side of Mile 3. The lot measures 145' x 170' (24,650 sq. ft. or 0.57 acres). The current use of the property is commercial; C-3 (General Business District). The existing land use and adjacent zoning include: Commercial, (C-3) General Business District to the east and west, Residential (R-1) Single Family Residential to the south, and outside city limits to the north. This property has access to Mile 3 Road. Water is provided by Sharyland Water Supply Corporation and Sewer services are provided by the City of

Mission.

Mr. Solis has leased two commercial suites within the commercial plaza located between Magdalena and Crisantema Street on the South side of Mile 3. He has acquired permits to remodel the interior of the building. In reviewing the floor plan, there are 17 tables (4 seats each) shown for use by patrons. The kitchen and restrooms are located to the south of the building. Four (4) televisions are shown on the walls. Parking is held in common between the tenants located within the plaza.

The proposed days and hours of operation are Monday through Sunday from 10 a.m. to 12 a.m. Six full-time employees are proposed. The proposal is to sell buffalo wings (different flavors and styles), French fries, onion rings, baked rolls, soft drinks, and beer.

In reviewing the location map, there are single family residences located within 300' to the south of this business. The City's Alcoholic Beverage and Zone Code state the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300' foot requirement on a temporary or permanent basis to the City Council who shall have the ultimate decision on the matter.

Sixteen (16) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request.

Staff recommends approval of the CUP subject to: 1) compliance with all Health and Fire Department requirements, 2) compliance with Texas Alcoholic Beverages Commission (TABC) requirements, 3) wet zone the property (if required), 4) recommend waiver of the 300' requirement to City Council, 5) the acquisition of a Business License, and 6) a 1 year re-evaluation.

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

There was no response.

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

The applicant, Mr. Juan Solis stated that his business is at 2005 W. Mile 3, Suites 1600 & 1700 and was present to address any questions that the Board might have.

Chairman Rene Flores asked Mr. Solis to be cautious and vigilant of the people that he sells or serves alcohol to, because he wants his business to succeed.

Mr. Solis stated that the beer was not for the people to get drunk it was just to be available for customers to have with their food. He added that the most anybody would drink was probably two or three beers with their food.

Mrs. Marisela Marin asked if staff only sent notices to residents within 200' or 300' radius of the site.

Mr. Tijerina stated that staff only notifies 200' radius and the 300' radius is done to show the area and the residents that live there.

Mrs. Marisela Marin asked if the Board would be waiving the 300' and not the 200' radius.

Mr. Tijerina stated that she was correct. He added that Mr. Solis and his father owned the whole commercial plaza.

Mr. Ned Sheats asked if he had any plans to have loud music, dancing, or karaoke.

Mr. Solis stated that he didn't anticipate having any plans for any loud music or karaoke but maybe in the future.

Mr. Ned Sheats stated that he needed to be considerate to the neighborhood when he thinks about having loud music.

Mr. Abiel Flores stated that the City had the 300' provision for a reason and it seems like it has been waived a lot, which he didn't mind especially in this type of business. What factors does the City use to waive that provision? Is it because nobody really shows up to the meetings?

Mr. Tijerina stated that he had talked to Mr. Solis about TABC because TABC offers the food and beverage permit which states that if 51% or more of the sales are for food then he could apply for this permit. He added that in talking to Mr. Solis his business would be like a Wing Stop and not a full bar. Mr. Tijerina mentioned that TABC also monitors these businesses.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats 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: 5:44 p.m.

Ended: 5:49 p.m.

ITEM #G

**Conditional Use Permit: To Place a Hotdog Stand in a C-2 Zone
4009 N. Inspiration Road
Lot 9, Block 5, Taurus Estates #9
Subdivision Phase I
Elias Mata, Jr.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NW corner of Inspiration Road and Azalea Street. The lot measures 134.17' x 147' (19,354.4 sq. ft.). The current use of the property is commercial, C-2 (Neighborhood Commercial). The existing land use and adjacent zoning include: Residential; (R-2) Duplex-Fourplex Residential to the north and south, and Residential (R-1) Single Family Residential to the east and west. This property has access to Inspiration Road and Azalea Street. Water and sewer services are provided by the City of Mission.

The applicant is proposing to place a 16' x 8' portable building within the parking area of the bakery located at the site. In reviewing the site plan, there are 22 parking spaces of which two will be used by Mr. Mata for the stand. It is noted that the trailer will be brought to and taken from the site daily.

The proposed days and hours of operation are Monday through Sunday from 5 p.m. to 11 p.m. The total number of employees is 2 (Mr. Mata and his brother, Conrado Guerra). The proposal is to sell tacos, hamburgers, tortas, hotdogs, and soft drinks.

Twenty-four (24) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request. Staff recommends approval of the CUP subject to: 1) 1 year re-evaluation, 2) compliance with all Health and Fire Department requirements, and 3) the acquisition of a Business License.

Chairman Rene Flores mentioned that he didn't have anything against the applicants or the business but believes that these stands are not aesthetically pleasing to the city. Maybe the city should do something to regulate or have the control on these types of businesses.

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

There was no response.

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

The applicant, Mr. Elias Mata, Jr. was present to address any questions that the Board might have.

Mrs. Marisela Marin asked Mr. Mata how he was going to secure the two parking spaces that are needed for this portable building.

Mr. Mata stated that the property owner was going to put some cones or something to secure the two parking spaces for him on a daily basis so that he could use the same parking spaces every day.

Chairman Rene Flores asked Mr. Mata what were his hours of operation.

Mr. Mata stated that he was proposing 5:00 p.m. to 10:00 p.m.

Chairman Rene Flores asked if the applicant needed to have restrooms available for his employees and customers.

Mr. Mata stated that the property owner was going to provide them with a set of keys so that they could have access to the restrooms.

There being no further discussion, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:56 p.m.

ITEM # H

**Conditional Use Permit Renewal: To Place a Portable Building for the Sale of Hotdogs in a C-2 Zone
3300 N. Inspiration Road
Lot 1, Gomez Estates Subdivision
Felipe Cruz**

Mr. Bobby Salinas went over the write-up stating that the site is located on the NE corner of Inspiration Road and Mile 2. The lot measures 230.53' by 281.28' (64,843.48 sq. ft. or 1.49 acres). The current use of the property is commercial, C-2, (Neighborhood Commercial). The existing land use and adjacent zoning include:

Agricultural; AO-I (Agricultural Open Interim) to the north and south, and Residential, (R-1) Single Family Residential to the east, and commercial, (C-3) General Business District to the west. This property has access to Mile 2 and Inspiration Road. The water and sewer services are provided by the City of Mission.

The days and hours of operation are Monday through Sunday from 6 p.m. to 11 p.m. The applicant is the only employee. The existing drive-thru measures 2,310 sq. ft. which requires 9 parking spaces, the hotdog stand requires a minimum of 4 spaces and the existing watermill also requires 4 spaces for a total of 17 spaces. There are 14 parking spaces on the site along with 3 spaces within the drive-thru equating to 17 spaces. There are also unmarked spaces used by the watermill customers.

Regarding landscaping, there are 3 existing shade trees on site. There is no curb and gutter nor sidewalks along 2 Mile or Inspiration Road. These improvements are planned once both roads are widened. Eleven (11) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request. Staff recommends approval of the CUP subject to: 1) 1 year re-evaluation, and 2) continued compliance with all Health and Fire Department requirements.

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

There was no response.

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

There was no response.

Mrs. Marin asked what type of business was in the building that was striped red and green which seems to be the area where they are proposing to put the portable building.

Mr. Salinas stated that there currently is no business; they are actually remodeling that building for a retail business.

Mrs. Marin asked if they planned to park in front of the building.

Mr. Salinas stated that this would be until they finish remodeling the building or the applicant transfers to that building because that was also mentioned by the applicant.

Mr. Ned Sheats asked if the existing business had an exterior and interior drive-thru

Mr. Salinas stated that the arrow on the wall was pointing to the entrance towards the back of the building the existing windows were used for the previous business.

Mr. Ned Sheats asked if they could impose a speed bump for safety reasons.

Mr. Salinas replied, "Yes".

Mr. Tijerina informed the Board that the portable building was placed actually on the west side of the drive-thru store.

Chairman Rene Flores stated that he reiterated his comment regarding the City doing away with this type of building.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:56 p.m.

Ended: 5:59 p.m.

ITEM #1

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Beer & Wine – Freebirds World Burrito
2521 E. Expressway 83, Ste. 600
Lot 5, Block A, Shary-Taylor Expressway
Commercial Subdivision
Claudia Tienda**

Mr. Bobby Salinas went over the write up stating that the subject site is located within an existing commercial plaza along the Expressway 83 and Taylor Road. The lot consists of 2.27 acres. The existing land use and adjacent zoning include: Open Acreage; C-4 (Heavy Commercial District) to the north, Commercial; C-3 (General Business District) to the south, outside city limits to the east, and commercial, C-4 (Heavy Commercial District) the west. This site's primary accesses are from Expressway 83 and Taylor Road. The water and sewer services are provided by the City of Mission. Staff's evaluation consists of the following:

1. This restaurant is located within an existing commercial plaza along the Expressway 83 and Taylor Road.
2. This conditional use permit was originally approved on 6/8/11.
3. The applicant is requesting renewal of the conditional use permit.
4. There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

5. Hours of Operation: Monday – Thursday from 11 a.m. to 10 p.m., Friday and Saturday from 11 a.m. to 10:30 p.m., and Sunday from 11 a.m. to 9 p.m. Alcoholic beverages will only be served during allowable State selling hours.
6. Staff: 35 employees in shifts
7. Parking: There are 80 total seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It is noted that the parking area is held in common and is shared with other businesses.
8. Staff has not received any complaints in regards to this business.

Based on the analysis provided above, staff recommends approval for life of use.

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

There was no response.

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

Representing Freebirds World Burrito, Mrs. Claudia Tienda stated that she was the general manager for the Restaurant. She added that they have been in business for 1 year on November 10th and pretty much you build your own burrito.

Chairman Rene Flores asked Mrs. Tienda how was business?

Mrs. Tienda mentioned that it was pretty good considering that they had not done any marketing at all so it has been basically word of mouth.

Chairman Rene Flores asked Mrs. Tienda how long has she been with the company?

Mrs. Tienda replied, "a little over a year and a half but have been in the restaurant business for 10+ years". She mentioned that she used to work for the Outback Steakhouse for 15 years.

Chairman Rene Flores asked if there were any plans for other Freebirds Burrito in the valley.

Mrs. Tienda stated that they have plans to build another one in north McAllen, Harlingen, and Brownsville hopefully.

There being no further discussion, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin 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: 6:00 p.m.

Ended: 6:05 p.m.

ITEM #J

**Conditional Use Permit Renewal: Home Occupation – Notary Service & Preparation of Income Tax Forms
1115 Reynosa
Lot 2, Block 1, Browning Subdivision
Larry D. Reyna**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the NW corner of Reynosa Street and Highland Park Avenue. The lot measures 108' x 118.5' (12,798 sq. ft.). The existing land uses and adjacent zonings include: R-1 (Single Family Residential) to all directions. The site's primary access is from Reynosa Street. The water and sewer services are provided by the City of Mission.

Staff's evaluation consists of the following:

1. The site is located at the NW corner of Reynosa Street and Highland Park Avenue.
2. The applicant has his residence on the property and has an 11.8' x 11.9' area that he uses as his notary and tax preparation office.
3. This CUP was most recently approved on 10-28-09 for a period of 3 years.
4. Mr. Reyna has been operating his notary business without any incidents since 11-28-07 and is asking for an approval for this renewal.
5. Days/Hours of Operation: Monday – Saturday from 9 a.m. to 8 p.m. during tax season and by appointment during the off season.
6. Staff: Mr. Reyna is the only employee running the home occupation.

Based on the analysis provided, above, staff recommends approval of the CUP request for an additional 3 year period.

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

There was no response.

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

The applicant, Mr. Larry D. Reyna asked if he could apply before his conditional use permit is up for renewal.

Mr. Tijerina replied, "Yes".

Mr. Reyna stated that he has been in business since 1995. He added that he used to be on Mayberry Street and had his permit for life of use then he moved to this

address and now his permits are being approved for 1 and 3 years. Mr. Reyna would like to see if the Board could consider granting the CUP for life of use.

Mr. Salinas stated that the reason staff was recommending a 3 year re-evaluation was to keep a little more control on all conditional use permits.

Chairman Rene Flores stated that he would need to come before this Board a few more times and maybe they could consider life of use.

Mr. Salinas stated that the possibility was always there and during City Council approval he has the right to speak for or against the request and at that time he could ask for life of use if the Council grants it then it would be for life of use.

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

At this time, Mr. Abiel Flores asked to abstain from any discussion or action because the applicant was his wife's cousin.

Started: 6:05 p.m.

Ended: 6:09 p.m.

ITEM #K

**Conditional Use Permit Renewal: A Repo-Service "Office Use"
in an AO-I Zone
2500 N. Moorefield Road
10 acre tract excluding the 1.14 acre
out of Lot A, B.L. Millers Subdivision
Roel Buentello, Jr.**

Mr. Bobby Salinas went over the write up stating that the subject site is located ¼ mile north of Griffin Parkway along the east side of Moorefield Road. The lot measures 310' x 1320' (409,200 sq. ft.). The existing land uses and adjacent zonings include: La Joya Middle School; (R-1) Single Family Residential to the north, a convenience store; County to the south, open acreage; (AO-I) Agricultural Open Interim to the east and a church and county to the west. The site's primary access is onto Moorefield Road. The water service is provided by the City of Mission and sewer services are provided through OSSF.

Staff's evaluation consists of the following:

1. The site is ¼ mile north of Griffin Parkway along the east side of Moorefield Road.

2. There is a 1,500 sq. ft. masonry home on the property that the applicant has been leasing. He has also constructed a 90' x 80' fence impound area for the repossessed vehicles.
3. This conditional use permit was most recently approved on 10-12-11. Mr. Buentello has been operating his business since 2009, with no incidents.
4. Mr. Buentello has been operating his Repo-Service over the past year without any major incidents and has been in operation since 4-15-09 and is now asking for an approval for this renewal.
5. Days/Hours of Operation: Monday – Friday from 8 a.m. to 5 p.m.
6. Staff: 1 full time employee and 1 part-time driver
7. On 9-22-10 P&Z removed the parking space requirement since there is no interaction with customers on-site and 9 out of 10 vehicles get returned to dealerships.
8. There is no ground pole sign permitted for this CUP.

Since Mr. Buentello has been in operation since 2009 with no incidents, staff recommends approval of the CUP subject to a 3 year re-evaluation.

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

There was no response.

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

The applicant, Mr. Roel Buentello was present to address any questions that the Board might have.

Chairman Rene Flores asked how long has he been in business.

Mr. Buentello stated that he has been in business for the past 4 years.

Mr. Ned Sheats asked if there was any storage of vehicles or was it strictly for office use.

Mr. Salinas stated that there was storage of vehicles on the property.

Mr. Buentello stated that they are usually kept at the site for 3 to 5 days before they are picked up and taken to auction.

Mr. Ned Sheats asked if it was for temporary storage because the permit specifically states that it is for office use only.

Mr. Salinas stated that his office was based from this site.

Chairman Rene Flores stated that the Repo business was already in existence the permit is just to have his office.

Mr. Salinas stated that the request was for a Repo-Service Office Use in an AO-I zone.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously with Mr. Abiel Flores abstaining from voting.

Started: 6:09 p.m.

Ended: 6:16 p.m.

ITEM #L

**Tabled Conditional Use Permit: To Keep a 12' x 16' Portable Building for Use as an Auto Sales Office
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza
Gilberto Rocha**

Chairman Rene Flores entertained a motion to remove the item from the "Table". Mr. Ned Sheats moved to remove the item from the "Table". Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Daniel Tijerina went over the write up stating that the site is located 600' east of Stewart Road along the north side of the Expressway 83 Frontage Road. The lot measures 100' x 401.94' (40,194 sq. ft. or 0.92 acres); Lots 3 & 4 measure 50' x 200'; Lots 5 & 6 measure 50' x 201.94'. The current use of the property is commercial; C-4 (Heavy Commercial District). The existing land uses and adjacent zonings include: Residential; R-1T (Townhouse Residential) to the north, commercial; C-3 (General Business) to the south; and commercial; C-4 (Heavy Commercial) to the east and west. This property has access to U.S. Expressway 83 westbound Frontage and to Vatia Boulevard. The water and sewer services are provided by the City of Mission.

The applicant is proposing to keep an existing 12' x 16' portable building to be used as an auto sales office. Lots 3 & 4 are the primary lots that will be used for the business. In reviewing the recorded plat, the minimum front setback is 75'. This area serves as parking for the business within this plaza. The minimum number of parking spaces needed for the car lot is 4 (thus exceeding code by 16).

The portable building is located approximately 70' further north of the paved common parking area. The applicant is proposing to place some vehicles outside of the fenced area within the existing parking area for visibility. Mr. Rocha has

installed a cedar fence along the rear of the portable building in order to buffer the car lot from the remnants of the landscape business to the north.

The proposed days and hours of operation are Monday through Friday, 9 a.m. to 6 p.m. and Saturday from 9 a.m. to 2 p.m. Two employees are proposed at this time. Staff notes that Mr. Rocha owns another car lot in Palmview that has been very successful. He plans to bring 60 plus vehicles to the site. Staff spoke to Mr. Rocha on 12/4/12 regarding his plans. He informed staff that he will comply with all City requirements. Thirty-three (33) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request. Staff recommends approval of the CUP subject to: 1) 1 year re-evaluation; 2) must provide all-weather parking north of the parking lot; 3) must obtain a Business License; 4) skirt the building; 5) must comply with sign code; and 6) must comply with landscape ordinance.

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

There was no response.

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

The applicant, Mr. Gilberto Rocha was present to address any questions that the Board might have.

Chairman Rene Flores stated that in the previous meeting the building was not in the condition as it is today and he would like to commend Mr. Rocha for the improvements made on the portable structure. He added that part of his concern was the looks of the building or any business coming to Mission. He still believed that the City of Mission did not need another car sales lot at this juncture. However, being that it is only being approved for 1 year, he recognized the effort Mr. Rocha is trying to do to make his business work and the work that he's done to the site does alleviate his concerns.

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

Started: 6:16 p.m.

Ended: 6:25 p.m.

ITEM #6A

**Preliminary & Final Plat Approval: Santa Lucia Subdivision
15.002 acre tract of land out**

**of Lot 166, John H. Shary Subdivision
PUD**

Developer: Blanca A. Gutierrez

Engineer: Rio Delta Engineering

Mr. Bobby Salinas went over the write up stating that the site is located on the NW corner of Colorado & Taylor Road. The tract size is 15.002 acres (653,487 sq. ft.). The current use of the property is open acreage. The existing land use and adjacent zoning include: Tinseltown; C-3 (General Business District) to the north, Open Acreage; AO-I (Agricultural Open Interim) to the south, City of McAllen to the east; and Apartments and a commercial strip; C-3 & R-3, Multi-Family & General Business District to the west. This site's primary accesses are from Colorado and Taylor Road. The water and sewer services are provided by the City of Mission.

Staff's evaluation consists of the following:

1. The subdivision consists of 22 lots, in which Lot 1 is proposed for a new private and gated apartment complex (168 apartments) and the remaining lots will be for commercial uses.
2. Water service will be provided via an existing 8" water line located along the west and north side of the site. The developer will also be installing a new 8" waterline along the south and east side of the site, thus looping the water system. There are 6 fire hydrants shown pursuant to the direction of the Fire Marshal, however additional hydrants will be required during the construction of the apartment complex. (Note: The apartment site plan approval will be forthcoming).
3. Sewer service will be provided through the installation of a new private lift station and a proposed 6" force main that will ultimately connect to the existing 10" line located along Shary Road. The private sewer improvements shall perpetually be maintained by the property owner's association. The Sewer Capital Recovery Fee (SCRF) equates to \$21,540 for the apartments and the proposed commercial lots as required by Ordinance #3022.
4. This subdivision abuts both Taylor Road and Colorado Street. Taylor is a future 80' ROW, 57' B/B. There is an additional 10' of ROW being dedicated along Taylor Road via this plat and no additional ROW is needed along the north side of Colorado. Taylor and Colorado Road are already fully widened along the developer's side of the street, i.e., any additional widening would occur when the McAllen's side along Taylor and the Shin Property south of Colorado Road develop. There is also a 50' ROW, 37' B/B street proposed off of Taylor Road that will provide access to Lot 1. The developer is also proposing to add a deceleration lane up to the entrance off of Taylor Road in order to aid in traffic congestion. The City of Mission will also be conducting a traffic study to determine an intersection improvement and if needed, will require the developer to pay a pro rata share of the required improvement.

5. The developer will provide storm drainage by installing a 24" R.C.P. line along Colorado Street, the use of a detention pond, and swales. Our City Engineer has reviewed and approved the drainage report.
6. Water District exclusion required.
7. 5' sidewalks must be installed along Taylor Road and Colorado Street during building permit stage.
8. Park fees must be paid in the amount of \$50,400 (\$300/H.U.E. x 168 apartments).
9. There are existing street lights along Taylor and Colorado.

Staff recommends approval subject to: 1) payment of the Sewer Capital Recovery Fees & Park fees, 2) provide pro rata share of traffic control improvement, 3) provide exclusion for the Water District, and 4) comply with all other format findings during the subdivision stage.

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

There was no response.

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

The project engineer, Mr. Gilberto Guerra from Rio Delta Engineering was present to address any question from the Board.

Chairman Rene Flores emphasized that they construct something nice, beautiful for the area, and well maintained.

Mr. Guerra stated that they were cautious about that and the reason they are asking for preliminary and final plat approval was because they were anxious to start with the project.

Mrs. Marisela Marin asked if there was only 1 entrance towards Taylor Road.

Mr. Guerra stated that there is a secondary entrance on the far west and that serves as an emergency gate since the apartments will be gated.

Mr. Ned Sheats stated that he noticed a long strip on the final page between the complexes and wanted to know if it was green area.

Mr. Guerra replied, "Yes".

Mr. Ned Sheats stated that was fantastic.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Carlos Lopez moved to approve the subdivision plat as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #7.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:26 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission