

**PLANNING AND ZONING COMMISSION  
FEBRUARY 13, 2013  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

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

**P&Z ABSENT**

Marisela Marin

**STAFF PRESENT**

Daniel Tijerina, Planning Director  
Bobby Salinas, Asst. Planning  
Sonia Marroquin, Asst. City Manager  
Julio Cerda, City Manager  
Rick Saldaña, Fire Chief  
Gilbert Sanchez, Fire Marshal  
Martin Garza, Police Chief  
David Guerra, City Attorney  
Jose Caso, Attorney  
Susana De Luna  
Irasema Dimas

**GUEST PRESENT**

Nacho Pecina  
Deborah Cordova  
Paula B. Weeks  
Irma G. Johnson  
Steve Bader  
Dina Sierra  
Henry Maldonado

Luis Elizondo  
Jay Inks  
Homero Benavides  
Mirna Thomson  
Maria Elena Ramirez  
Sergio Cruz  
Isael Posadas

Dennis Luther  
Silverio Perez  
Tommy Thomson  
Margaret Ortiz  
Daniel Garcia  
Marco Flores  
Jose Daniel Garcia

**CALL TO ORDER**

Chairman Rene Flores called the meeting to order at 5:01 p.m.

**CITIZENS PARTICIPATION**

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

There was no response.

**APPROVAL OF MINUTES FOR JANUARY 23, 2013**

Chairman Rene Flores asked if there were any corrections to the minutes for January 23, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Rene Flores stated that believed there was a request to hear items 2.0 & 2.1 first.

Mr. David Guerra, City Attorney stated that he was the one making the request since he was only there for that item and only if it was okay with the board and the applicant.

Chairman Rene Flores asked the applicant if it was okay with him.

Mr. Jay Inks replied that he was okay with the change.

Mrs. Deborah Cordova stated that Mr. Inks was going to make a 10 to 15 minute presentation and if it would be okay with the board.

Chairman Rene Flores asked the board members if it was okay with them. They all agreed. He then entertained a motion to remove items # 2.0 & 2.1 from the table and to the beginning of the agenda. Mr. Ned Sheats moved to approve moving the items to the beginning of the agenda. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 7:09 p.m.**

**Ended: 7:14 p.m.**

**ITEM # 1.1**

**Discussion and Action to Amend Future Land Use Map within the Boundaries of Conway Blvd. to the East, ¼ Mile west of La Homa to the West , ¼ Mile north of Mile 3 to the North and Griffin Parkway (FM 495) to the South.**

Mr. Bobby Salinas went over the write up stating that this is the 5<sup>th</sup> 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:

<b>SITE LOCATION</b>	<b>FROM/TO</b>	<b>JUSTIFICATION</b>
NW Corner of La Homa and Mile 3 Road.	GC	<i>Since this area was recently annexed there was no designation. We are proposing GC due to the frontage along Mile 3 and the existing Dollar General and Stripes Convenience Store.</i>
S 330' of Lots 66 & 67 and the N. 330' of Lots 64 & 65, New Caledonia Subdivision.	GC	<i>Newly Annexed. We are proposing GC due to the frontage along Mile 3 and existing commercial uses along this major corridor.</i>
North portion of Lots 66, 67, 72, & South portion of Lots 64 & 65, New Caledonia Subdivision.	LD	<i>Newly Annexed. Since these properties are off of the 3 Mile and Low Density Designation currently seems like a good transition.</i>
SW corner of Mile 3 and La Homa.	P	<i>Newly Annexed. We are proposing P due to the existing School and Water Tower sites.</i>
The area between Moorefield and Inspiration Road along the north side of Mile 3 Rd.	GC	<i>Newly Annexed. We are proposing GC due to the frontage along Mile 3 and existing commercial uses in this area.</i>
Villa Capri Subdivision	LD	<i>Newly Annexed. This is an existing Single Family Subdivision, thus the LD designation.</i>
The west 150' of the S. 10 acres out of Lot 32-1, West Addition to Sharyland.	LD to MD	With existing apartments to the west and frontage to Inspiration Road and MD designation would allow for new apartment proposals for this area.
Lots 1-8, Alex Cavazos Subdivision	LD to GC	These properties front Inspiration Rd., a major thoroughfare, and have mixed uses that include a few existing commercial uses. Traffic produced by those using this major street is more conducive for a non-residential use.

NW corner of Azalea & Inspiration Road, SW corner of Clavele & Inspiration Road, & the NW corner of Orquidea & Inspiration Road.	MD to GC	These changes would correct the FLUM due to the current C-2 zones and the existing commercial uses.
NE corner of Oleander and Moorefield Road.	LD to GC	This change would correct the FLUM due to the current C-2 zones and the exiting commercial uses.
Lots A-H, Mountain View Subdivision	LD to GC	This change would correct the FLUM due to the current C-3 zone.
SE Area of Los Ebanos and Mile 2 Road	LD to GC	This area is adjacent to future commercial uses on the north side and includes the existing Feed Store. A GC designation would be a good fit in this area.
NW area of Compton and Mile 2 Road.	LD to GC	This change would correct the FLUM due to the current C-1 zone.
NW Corner of Moorefield Road and Griffin Parkway.	GC to P	There is an existing Church on this corner, thus the Public designation.
Lot 14, Block 3, Oakwood Estates Subdivision	LD to GC	There was a portion of Lot 14 that was designated as LD this amendment would simply correct the FLUM.
Lot 17, 18, & 97, Chaparral Heights Subdivision	LD & MD to GC	This change would correct the FLUM due to the current C-2 zoning and commercial uses.

See Attachment "A".

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. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:14 p.m.**

**Ended: 6:43 p.m.**

**ITEM # 1.2**

**Rezoning:**

**A .57 acre tract out of Lot 244,  
John H. Shary Subdivision**

**R-1 to C-1  
Felix Garza Peña**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Shary Road and Summer Breeze. The site measures 113.50' x 218' (24,743 sq.ft.) This site has sole access off of Shary Road and currently has a buffer fence along Summer Breeze.

The surrounding zones and existing land uses include: (R-1) Single Family Residential; Single Family Home to the North, West, South and at the site, (R-1T) Townhouse Residential; Single Family Home to the East. The Future Land Use Map reflect Low Density Residential (LD).

Though the ½ acre site may continue accommodating a residential use and the FLUM shows an LD designation, Staff anticipates most of Shary Road to slowly evolve into commercial uses due to the following:

- 1)** The subject property adjoins Shary Road, a five lane major thoroughfare (mandates a minimum 120' ROW with an ultimate pavement width of 81').
- 2)** The site is caddy corner to an existing General Commercial Zone (C-3), Shary Business Center.
- 3)** The traffic produced by inherent traffic using this major street is more conducive for a non-residential use, rather than having a residential home along such congestive traffic patterns.
- 4)** The C-1 proposal is for office use which is the least congestive zone in our commercial zoning hierarchy; also seeing the limited size will limit parking and will self-restrain it to a small office setting.

Staff recommended approval to the C-1 zone request.

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

Mr. Tommy Thomson from 2308 Summer Breeze stated that he was representing several of his neighbors and asked the audience to raise their hands to show how many were present.

Staff counted 8 people present in opposition.

Mr. Tommy Thomson stated that this was a quiet neighborhood and he and some of the neighbors were concerned that if the city approves this rezoning their safety would be at risk. He mentioned that the neighbors look out for one another and rezoning this corner to commercial would create more traffic concerns. He also stated that he was concerned for the safety of his children, for example people peeking through the fence and looking at his back yard, since he has a swimming

pool 20' away from where the applicant is proposing to have the parking area. He mentioned that right now they have problems with possums, rats, snakes and other critters and installing a commercial trash bin is just an invitation to other problems.

Mr. Dennis Luther from 2207 Summer Breeze stated that not one of the board members would like it if someone was proposing any type of business in their neighborhood.

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

Mr. Nacho Pecina, representing the applicant stated that in reference to the issue about people peeking through the fence, the city usually requires an opaque fence buffer between commercial property and residential either a 6' or 8' buffer fence. He also mentioned that the curb cuts would only be proposed through Shary Road. He stated that this home has being in existence for over 60 years and needs to be demolished.

Mr. Ned Sheats asked Mr. Pecina if he had an opportunity to talk to the neighbors and explained what the applicant was proposing.

Mr. Nacho Pecina replied that he did not.

Mr. Ned Sheats replied that based on the neighboring opposition it would be hard to get this area approved for commercial.

Mr. Nacho Pecina replied that there's always a first one.

Mr. Ned Sheats suggested that Mr. Pecina talk to the neighbors and come up with a compromise.

Mr. Dennis Luther stated that there are other areas where the properties are currently zone commercial and they would be able to construct what they are proposing and they only decided on this property because it was cheap.

Mr. Tommy Thomson replied that he will put up a fight against the rezoning request.

Mrs. Margaret Ortiz stated that she used to sell real estate for a number of years and she knows that it takes one rezoning to start the chain. She also mentioned to the board members that there were several properties along the east side of Shary that the applicant could look into; and suggested that the city leave the west side of Shary Road a residential area.

Mrs. Irma Johnson stated that she lives on the house immediately south of Shary Business Center and she doesn't plan to sell any time soon, and as long as she is alive she will be living there.

After a brief discussion, Chairman Rene Flores entertained a motion. Mrs. Diana Izaguirre moved to deny the rezoning. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:43 p.m.**

**Ended: 6:53 p.m.**

**ITEM # 1.3**

**Conditional Use Permit:**

**To Place a Portable Building to be  
Temporarily used as a Car Sales Office  
916 W. Expressway 83  
Lot 1, Carmart Subdivision (U/R)  
C-3  
Jesus A. Sanchez**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the north side of U.S. Expressway 83 west of American Legion Post 93. The applicant is requesting authorization to place a 12' x 44' portable building for use as a temporary car sales office.

- **Days & Hours of Operation:** Monday – Friday from 9:00 a.m. to 7:00 p.m., Saturdays from 9:00 a.m. to 6:00 p.m., Sundays closed.
- **Number of Employees:** 3
- **Parking:** Required – 4, Proposed – 33
- **Landscaping:** Required – 3,000 sq.ft., Proposed – 6,256 sq.ft. A total of 9 shade/ornamental trees will be required along Expressway Frontage.

The temporary installation would include a complete mobile office and temporary all weather surface parking and vehicle display. In addition, all utilities including water and fire protection shall be installed as part of this request.

It is expected that construction of the permanent facilities, including asphalt or concrete parking, landscaping, and lighting, will commence upon approval by the City, which is estimated to be in April of 2013. Permanent construction should begin approximately 60 days after approval by the City.

Staff mailed four (4) notices to property owners within a 200' radius of this property, and as of the date of this write-up, no comments in favor or against this request have been received by the Planning Department.



Staff recommended approval subject to: **1)** 1 year re-evaluation, **2)** the recording of the plat prior to the operation of any sales, **3)** acquisition of a business license, **4)** compliance with fire, building, utilities and all other applicable codes, **5)** once the temporary structure is no longer needed, it shall be removed, and **6)** compliance with Sign Code.

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. Isael Posadas from SDI Engineering was representing the applicant Jesus Sanchez. He stated that the applicant was okay with all the requirements except with the requirement of recording the plat prior to the operation of any sales and would like to see if the board would allow them to start selling before the plat gets recorded.

After a brief discussion, Chairman Rene Flores entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit request as per staff's recommendation and allowing them to sell prior to recording the plat. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:55 p.m.**

**Ended: 7:00 p.m.**

**ITEM # 1.4**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic Beverages – "La Playita Restaurant"**  
**2120 E. Business 83**  
**Lot 51, Sharyland Orchards Subdivision**  
**C-4**  
**Bernardo Garcia**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SE corner of Ragland Road and Business 83. On 8/27/12, the City Council had denied the previous La Playita Restaurant and Bar due to several issues relating to the sale and on-site consumption of alcohol at the site. The new applicant is now proposing only a restaurant setting and is requesting a new CUP for the on-site consumption of alcohol.

- **Hours of Operation:** Tuesday – Sunday from 11:00 a.m. to 12:00 p.m. (NOTE: *La Playita Restaurant and Bar's hours were Everyday from 12:00 p.m. to 2:00 a.m.*) Alcoholic beverages will only be served during allowable State selling hours.

- **Staff:** 6-8
- **Parking:** In viewing the floor plan, there are 108 total seating spaces for the restaurant, which require 36 parking spaces (108 total seating spaces/3=36 parking spaces) and is shared with a closed auto mechanic shop.
- **Noise:** There will be no D.J., band or Karaoke proposed for the restaurant.
- **Signage:** There is currently a temporary inflatable sign that must be removed in order to comply with the City's sign code.
- **Landscaping:** There are existing green areas and landscape islands within the parking lot along Business 83. Staff recommends at least 5 shade/ornamental trees be installed as part of this CUP's requirements.
- **Sale of Alcohol:** Section 6-4 of the Alcoholic Beverages code states that the sale of alcohol should not occur within 300 of any public/private school, church, or hospital. There are no such uses within 300 feet of this site.
- During the previous CUP approval, Staff noticed that there was an existing pool (with no water) that did not have a fence. A fence has since being installed however there is an opening that still allows access into the rear of the lot that should be properly gated.
- Must comply with Fire & Health Dept.; and must obtain a Business License.

When City Council denied La Playita's CUP in August, it was clear that a "bar" was not something that they wanted to see in this area. The new applicant is proposing to remove the "bar" feature of the restaurant which includes 1) removing the sale of liquor and mixed drinks (he only wants to offer beer and wine with meals), 2) removing the DJ/Band, and 3) reducing the late hours from 2:00 a.m. to now 12:00 a.m. He is hoping that with all of these changes, his CUP proposal may be approved.

Staff recommended approval subject to: **1)** 1 year re-evaluation in order to assess this new operation, **2)** compliance with Sect. 6-4 of the Alcoholic Beverages Code, **3)** must install a minimum of 5 shade/ornamental trees along Business 83, and **4)** must provide a gate in order to completely secure the swimming pool.

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.

Mr. Henry Maldonado representing Mr. Bernardo Garcia was present to answer any questions from the board.

Chairman Rene Flores asked if the applicant was okay with the recommendation from staff.

Mr. Henry Maldonado replied that he was.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza 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 point, Mr. Bobby Salinas stated that the following items were renewals and that there haven't been any complaints filed in any of them and everything is still the same. He asked the chairman if a consent agenda would be done on the remaining items.

Chairman Rene Flores replied that it would be fine.

**Started: 7:01 p.m.**

**Ended: 7:02 p.m.**

**ITEM # 1.5**

**Conditional Use Permit Renewal: Little Patriots Day Care  
300 E. 2 Mile Road  
1.17 acres of Lot 28-7,  
West Addition to Sharyland Subd.  
R-1  
Reymundo Ramirez Jr.**

Mr. Bobby Salinas went over the write up stating that the subject site is located at the SW corner of Francisco and 2 Mile Road. This CUP was last approved by P&Z on 1/11/12 and is now up for renewal. In 9/9/09, Mr. Ramirez took over this operation from Mr. Joel and Hermilia Ochoa, who had the operation since April 2004. Since its introduction in 2004, the Ochoa's and the applicant have complied with the requests of the Planning & Zoning Commission which included: DHS certification, compliance with sign codes, acquisition of a business license, and the installation of a fence buffer.

- **Hours of Operation:** Monday – Friday from 7:00 a.m. to 6:00 p.m.
- **Staff:** 4 employees
- **Parking:** The 2,248 sq.ft. daycare requires 9 spaces ( $2,248 - 400/400 + 4 = 8.62$  spaces). There are 3 parking spaces and a circular driveway that is used by parents dropping off or picking up their kids. This 1-way circular drive can hold two vehicles and is used so cars can safely enter the facility from 2 mile and exit facing 2 Mile's traffic. On 6/20/12, the Zoning Board of Adjustments approved a variance request to not require the additional parking spaces, until there was a complaint filed with the City in regards to the parking, thus the CUP is currently compliant to code.
- DHS certification is evident and will continue to be mandated.

Since there have been no reported issues, staff recommends approval subject to a 1 year re-evaluation. (NOTE: The owner of the tract has the option of applying for C-2 rezoning in order to avoid having to go through future CUPs).

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.

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

**Started: 7:02 p.m.**

**Ended: 7:04 p.m.**

**ITEM # 1.6**

**Conditional Use Permit Renewal:**

**Home Occupation – To Operate a  
Federal Firearms Licensed Business &  
Sporting Goods  
2608 E. 25<sup>th</sup> Street  
Lot 9, Taylor Village Subdivision  
R-1  
Silverio Perez**

Mr. Bobby Salinas went over the write up stating that the subject site is located 600' west of Taylor Road along the south side of E. 25<sup>th</sup> Street, a private street. The home has a driveway and a two car garage, capable of accommodating 2 vehicles as required for residential areas.

This CUP was originally approved on 11/16/11. The applicant has converted a bedroom into an "office" next to the front foyer. The applicant conducts his **web based sales** business to provide sporting goods to the general population and also serves as a supplier for Law Enforcement Agencies from the Rio Grande Valley, which includes firearms. **There is no merchandise shipped to or from the home.** The merchandise is stored in a warehouse in McAllen. There will be no advertising on the premises and there is no pedestrian traffic.

- **Days/Hours of Operation:** Monday – Friday: 5:00 p.m. to 8:00 p.m.; Saturday: 10:00 a.m. to 6:00 p.m.

- **Staff:** Only the applicant operates the business.
- **Signage:** no signage is on-site, or desired.

In speaking to the applicant, he is currently in the process of relocating into a commercial site. However, he would like to continue his CUP until he is able to find a new location. In Staff's assessment, the proposed service does not increase traffic, there is no pedestrian traffic and there is no signage indicating that the site is anything else other than a residence. Staff does not object to another 1 year re-evaluation.

Staff recommended approval subject to: **1)** a 1 year re-evaluation to assess the operation, **2)** continue to comply with Sect. 1.56-1 of the Zoning Ordinance, and **3)** concurrence from the Police Chief.

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. Silverio Perez was present to answer any questions from the board.

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

**Started: 7:04 p.m.**

**Ended: 7:06 p.m.**

**ITEM # 1.7**

**Conditional Use Permit Renewal:**

**To have a portable building with a  
Drive-Thru Service for Sno-Cone Sales  
1234 E. Business Hwy. 83  
125.06' x 125' tract, Lot 20-11,  
West Addition to Sharyland Subd.  
C-3  
Jose Daniel Garcia**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on this site is located approximately 800' east of Bryan Road along the south side of Business Hwy. 83. The CUP was most recently approved by P&Z on 1/25/12 for 1 year with the condition that when the proposed commercial property to the west begins to develop, the sno-cone stand CUP may not be renewed. As of the date of this write-up, the property to the west remains dormant.

The sno-cone stand has been in operation since December 2010. Drive-thru traffic wraps around the stand and exits through the parking lot. Poles were installed to the western perimeter to ensure that vehicles do not trespass through the watermill/Fontana property. Since spaces were displaced with traffic going through the parking lot, the applicant installed two temporary spaces located along the south of the property to compensate. Staff has not received any complaints regarding the drive-thru or the temporary parking stalls.

Since the portable building is temporary, the CUP will be voided once the Old Fontana site is built on with an attractive retail complex. As such, staff does not object to continue allowing the sno-cone stand to operate, inclusive of the temporary all weather parking.

Staff recommended approval subject to 1 year re-evaluations with notice that this CUP is temporary pending completion of the forthcoming commercial facility to the adjoining west.

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. Jose Daniel Garcia was present to answer any questions from the board.

There being no discussion, Chairman Rene Flores entertained a motion. Mrs. Diana Izaguirre 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: 7:06 p.m.**

**Ended: 7:08 p.m.**

**ITEM # 1.8**

**Conditional Use Permit Renewal:**

**Sale & On-Site Consumption of  
Alcoholic Beverages – Genghis Grill  
2521 E. Expressway 83, Ste. 400  
Lot 5, Block A,  
Shary-Taylor Expressway Subdivision  
C-4  
Genghis Grill**

Mr. Bobby Salinas went over the write-up stating that the site is located within an existing commercial plaza along the NW area of Expressway 83 and Taylor Road.

This restaurant is within a larger building that currently includes Freebirds and Dickey's BBQ restaurants. Access to the site is provided through existing driveway cuts along Expressway 83 and Taylor Road.

This CUP was originally approved by City Council on 2/13/12 with the condition that they wet zone the property, obtain a business license, and that it be reviewed again within 1 year.

- **Hours of Operation:** Sunday – Thursday from 11:00 a.m. to 10:00 p.m., Friday and Saturday from 11:00 a.m. to 11:00 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 85 employees
- **Parking:** There are 211 total seating spaces, which require 70 parking spaces (211 seats/1 space for every 3 seats = 70.3 parking spaces). It is noted that the parking area is held in common and is shared with other businesses. There have been no complaints in relation to parking.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' radius of the subject site, thus being compliant to Section 6-4.

There are similar restaurant uses that currently sell alcohol within this building and Staff has not received any complaints in regards to this business. Planning asked Mission PD for a report of any incidents in which no incidents were reported by PD. Staff recommended approval for Life of Use.

If there are no incidents reported by PD, 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.

Mr. Marcos Flores manager for Genghis Grill was present to answer any questions from the board.

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

**Started: 7:08 p.m.**

**Ended: 7:09 p.m.**

**ITEM # 1.9**

**Conditional Use Permit Renewal: Sale & On-Site Consumption of**

**Alcoholic Beverages –  
Mariachuchena’s Bar and Grill  
302 W. Griffin Parkway, Suites A & B  
Lot 2, Storage Depot Subdivision  
C-3  
Jose V. Narvaez**

Mr. Bobby Salinas went over the write up stating that the subject site is located approximately ¼ mile west of Conway Avenue along the north side of Griffin Parkway (FM 495).

A CUP for the sale of alcohol was approved by City Council on 2/13/12 for a period of 1 year. Mariachuchena’s has been in operation since 2011.

- **Hours of Operation:** Wednesday & Sunday – 4:00 p.m. to 12:00 a.m., Thursday to Saturday – 4:00 p.m. to 2:00 a.m., Monday & Tuesday – Closed. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 6 employees
- **Parking:** Viewing the floor plan, the restaurant has a total of 36 seating spaces, which require 12 parking spaces (36/1 space for every 3 seats = 12 parking spaces). It is noted that the parking area is held in common (48 spaces for all suites) and is shared with other businesses. The Planning Department has not received any complaints regarding intense overflow parking.
- Section 1.56-3 of the Zoning Code cites that ‘Bars’ must be 300’ from the nearest residence, church, school or publicly owned property. There is one residence within 300’; however there is a solid series of storage units to the home which 290’ to the west (Norma Andis); however, P&Z and the Council waived this separation requirement in the CUP’s previous approval.
- **Noise:** The applicant stated that only piano and acoustic music will be played; No DJ or loud bands. If there are noise issues, Staff will approach the applicant and impose policy.
- Planning asked PD for a report of incidents in which no incidents were reported as per PD.

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. Sergio Cruz co-owner of Mariachuchena’s was present to answer any questions from the board.



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. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:05 p.m.**

**Ended: 6:12 p.m.**

**ITEM # 2.0**

**Tabled Conditional Use Permit:**

**Sale & On-Site Consumption of  
Alcoholic Beverages –  
Fanatics Sports Bar & Grill  
2140 E. Business Highway 83  
Lot 1, Grapefruit Bowl, Inc.  
C-4  
Fanatics Sports Bar & Grill  
/Matador Lounge, Inc.**

Mr. Daniel Tijerina went over the write up stating that Fanatics is located approximately 400' east of Ragland Road on the South side of Business Highway 83. It is located adjacent to Valley Bowl where both businesses share common parking. The main entrance is located at the NW corner of the building. In viewing the floor plan there are 9 pool tables, video games, and several televisions for patrons to view sports and other programs. The restrooms are located on the west side of the business.

- **Hours of Operation:** Sunday – Wednesday from 2:00 p.m. to 12:00 a.m., Thursday and Friday from 2:00 p.m. to 2:00 a.m., and Saturdays from 12:00 p.m. to 2:00 a.m.
- **Staff:** 14 employees
- **Parking:** In viewing the floor plan, there are a total of 188 seats which require 63 parking spaces (188/3 seats = 62.6 parking spaces). It is noted that there are 180 parking spaces held in common between Valley Bowl and Fanatics located along the front and rear of the building.
- **Sale of Alcohol:** Section 1.56-1 of the Zoning Code cites that "Bars" must be 300' from the nearest residence, church, school or publicly owned property. There is a mobile home subdivision located within 300'; however, P&Z and the City Council have the option to waive this separation requirement.
- Must comply with all Building, Fire, and Health Codes.
- Must obtain separate (individual) address and acquire a business license.

Due to the bar mixing with a more "family oriented" bowling alley, Staff has informed the applicant that the two businesses must be permanently divided with a solid wall to not allow public access between the two. The applicant is to submit a

proposal that would comply with this requirement and also be in compliance with Fire and Building Code requirements.

Staff recommended approval subject to: **1)** a 1 year re-evaluation in order to assess the business, **2)** wavier of the 300' requirement to City Council, **3)** construct a solid wall that will divide Valley Bowl and Fanatics, **4)** must comply with all City and TABC code requirements, **5)** must "Wet Zone" the property, **6)** obtain a separate address for Fanatics, **7)** acquire a separate Business License, and **8)** provide uniformed security.

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

Mr. Jay Inks went over a presentation that he submitted to the board members (See Attachment "B"). During the presentation he mentioned that he followed the same layout as different Family Entertainment Centers established through the State. He also stated that on the security guard issue the establishment currently has 30 plus security cameras in place plus security guards. In reference to the concern about sexual predators during all this time, no incident of that nature has happened due to the available security.

He mentioned that he discussed the installation of the wall with different entities and they all had the same concern that pushing the patrons into the parking lot area was a bad idea. He also stated that he had a meeting with the Police Chief and he informed him that during 2011 there were 12 reports done and only 5 of those were related to alcohol. He ended the presentation by saying that he was okay with the new CUP permit but doesn't agree with the requirements.

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

There was no response.

Chairman Rene Flores asked City Attorney, David Guerra, Fire Chief, Rick Saldaña, Fire Marshal, Gilbert Sanchez, and Police Chief, Martin Garza if they had anything else to add. They all responded that they were present in case the board had any questions regarding their expertise.

Chairman Rene Flores stated that he was wondering why they were two applications or if they are currently operating under the same location.

Mr. Jay Inks replied that he had received a letter from the City Manager and Police Chief stating that the permit for the sale of alcohol had expired and he had only 3 days to apply for the renewal. When he met with the City Manager and the Police Chief they informed him that he needed to apply for each business separately.

Mr. Daniel Tijerina mentioned that this was a 2 lot subdivision and only Lot 1 was wet zoned, which only covers the bowling lanes and part of the café on Valley Bowl; the area of Fanatics is not wet zoned.

Mrs. Diana Izaguirre asked Mr. Inks that out of the 8 requirements, which ones he does not agree with.

Mr. Jay Inks replied that he was in disagreement of # 3, 6, & 8.

Mr. Abiel Flores asked Mr. Inks how he files for the IRS.

Mr. Jay Inks replied that he reports two different entities.

Mr. Abiel Flores then stated that the issuance of a different address for Fanatics makes sense.

Mr. Abiel Flores stated that he was a patron of both businesses and in his opinion both businesses were totally different and that he wouldn't take his two daughters to Fanatics after hours due to the difference of environments.

Mr. Ned Sheats asked that if the business has been in operation since 1950 and if they have sold alcohol ever since, why was the City asking for this now and not in 2004 when they submitted their application for remodeling.

Mr. Daniel Tijerina stated that he couldn't answer that question, one because he was not an employee for the City at that time and why now because they want to clarify the wet zone issue.

City Manager Julio Cerda stated that why now and why not. He went on saying that the Mayor and the City Council want to start enforcing the code and be more cautious with these types of permits. He also stated that he loves Fanatics and Valley Bowl and his daughters too and would hate for something drastic to happen in this place after hours where the City would have to close the whole business, thus the reason they were requiring the wall to be installed.

Chairman Rene Flores stated that he was for City of Mission businesses, and would hate to see that this business did not survive because of the wall requirement.

Mr. Abiel Flores asked Police Chief Martin Garza that if the wall requirement was necessary at this time.

Police Chief Martin Garza replied that it was, definitely.

After a brief discussion, Chairman Rene Flores entertained a motion. Mr. Abiel Flores moved to approve the item as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote the motion passed 5-1, with Chairman Rene Flores dissenting.

**Started: 6:12 p.m.**

**Ended: 6:14 p.m.**

**ITEM # 2.1**

**Tabled Conditional Use Permit:**

**Sale & On-Site Consumption of  
Alcoholic Beverages – Valley Bowl  
2140 E. Business Highway 83  
Lot 2, Grapefruit Bowl, Inc.  
C-4  
Valley Bowl/Jim Inks, Inc.**

Mr. Bobby Salinas went over the write up stating that Valley Bowl is located approximately 400' east of Ragland Road on the South side of Business Highway 83. It is located adjacent to Fanatics where both businesses share common parking. Viewing the floor plan, there are 24 bowling lanes and the approach and pit areas, a party room, an office as you enter the building, the rental area for bowling and shoes, the Café/snack bar/kitchen area, game room area, another office, and a utility/storage area. The main entrance to the facility is located along the North side of the building. There are separate restrooms for men and women.

- **Hours of operation:** Monday – Thursday from 8:00 a.m. to 12:00 p.m., Fridays from 8:00 a.m. to 1:00 a.m., Saturday from 12:00 p.m. to 1:00 a.m., and Sundays from 1:00 p.m. to 12:00 a.m.
- **Staff:** 21
- **Parking:** In viewing the floor plan, there are a total of 298 seats which require 99 parking spaces (298/3 seats = 99.3 parking spaces). It is noted that there are 180 parking spaces held in common between Valley Bowl and Fanatics located along the front and rear of the building, thus exceeding code by 18 spaces.
- **Sale of Alcohol:** Section 1.56-3 of the Zoning Code cites that "Bars" must be 300' from the nearest residence, church, school or publicly owned property. There is a mobile home subdivision located within 300'; however, P&Z and the City Council have the option to waive this separation requirement.

Notices were sent to property owners within 200 feet of this business where Staff has not received any comments in favor or against this CUP. Since Valley Bowl has been in business for several years and we have not received any complaints in regards to this establishment, staff would not object to a 1 year re-evaluation, future approvals may be for a longer tenure.

Staff recommended approval subject to: **1)** a 1 year re-evaluation in order to assess the business, **2)** waiver of the 300' requirement to City Council, **3)** must comply with all City and TABC code requirements, **4)** must "Wet Zone" the entire property, and **5)** must acquire a business license, if needed.

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. Jay Inks was present to answer any questions from the board.

Chairman Rene Flores asked if Mr. Inks had anything else to add.

Mr. Inks replied 'No'.

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

**ITEM #3.0**  
**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 7:14 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission