

**PLANNING AND ZONING COMMISSION
MARCH 12, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene A. Flores
Ned Sheats
Abiel Flores
Carlos Lopez
Diana Izaguirre

P&Z ABSENT

Mario Garza
Marisela Marin

STAFF PRESENT

Bobby Salinas
Patricio Martinez
Susana De Luna

GUEST PRESENT

Kelley Heller-Vela
Conrado Saenz
Juan Ludwig
Maxilou Link
Oscar Treviño
Jose R. Mendez
Gerardo Martinez
Conrado Saenz, Jr.
Catherine Nevlin-Abel
Annette Zavala
Omar Martinez

CALL TO ORDER

Vice-Chairman Ned Sheats called the meeting to order at 5:05 p.m.

CITIZENS PARTICIPATION

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

There was no response.

APPROVAL OF MINUTES FOR FEBRUARY 26, 2014

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for February 26, 2014. Mr. Carlos Lopez moved to approve the minutes as presented. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:11 p.m.

ITEM #1.1

Preliminary & Final Re-Plat Approval: TRB Mission Subdivision

**A resubdivision of 1.601 acres being
All of Lots 2, 3, & 4, Glenwood Subdivision
C-3**

**Developer: Gustavo & Rosa Maria Zapata,
Romulo & Rebecca Martinez,
& Arturo Nava**

Engineer: Melden & Hunt, Inc.

Mr. Bobby Salinas went over the write-up stating that the re-plat is located on the SE corner of Glenwood Avenue and Griffin Parkway. State Code requires re-plats to have a public hearing. The subdivision consists of 2 lots. Lot 1 measures approx. 226.58' X 160.11' (35,027.72sq.ft.) and Lot 2 measures 183.42' X 160.11' (29,367.38 sq.ft.).

Water: The developer is proposing to provide water service by connecting into an existing 8" line located along the rear of the property, along the alley. The developer is also installing a new 8" waterline, replacing an existing asbestos concrete line along Griffin Parkway and providing a new fire hydrant located pursuant to the direction of the Fire Marshal.

Sewer: The developer is proposing sewer service by connecting into an existing 6" sewer line located within the alley area. A capital sewer recovery fee of \$1,200.75 is required for this site (1.601 acres X \$750/Acre).

Streets & Storm Drainage: The re-plat has access to Griffin Parkway, a 100' ROW, 65' B-B street and Glenwood Ave., an existing 50' ROW, 30' B-B street. Since Griffin Parkway is already paved to its ultimate width of 65', the developer has obtained permission from TxDOT to decrease the ROW dedication from 50' to 45'. They are also providing a 25' corner clip along the Griffin Parkway and Glenwood Ave. intersection. The developer is providing drainage through the use of on-site detention swales that will then connect into TxDOT's storm system on Griffin Parkway with an 8" bleeder line

Other Comments include:

- Park Fees are not required for commercial development.
- Must provide proof of water district exclusion.
- Street lights are already in existence.
- 5' sidewalks shall be installed along Griffin Parkway and Glenwood Ave. at building permit stage.

Recommendation: Staff recommends approval subject to providing the sewer capital recovery fees and compliance with all typical format findings.

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

There was no response.

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

Representing the applicant, Mrs. Kelley Vela from Melden & Hunt was present to address any questions that the Board might have.

Vice-Chairman Ned Sheats asked what was being considered for buffering on the south side of the property.

Mrs. Vela stated that they had updated the site plan and it was a little different than what was presented for the conditional use permit. She added that they shifted the site north so that a gap could be created in order to put a landscaping buffer for shrubs and plantings.

Vice-Chairman Ned Sheats stated that he knew that the landscaping buffering would comply with the City but to him it was unacceptable and would kindly ask that they consider installing a wall instead, especially because there were homes very close to the bank and a wall would deflect any noise.

Mrs. Vela stated that she would definitely discuss his request with the applicant.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Abiel Flores moved to approve the re-plat as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:14 p.m.

ITEM #1.2

Rezoning:

**The West 420' out of the N. 330'
Of the E. 1230' of Lot 29-7,
West Addition to Sharyland Subdivision
AO-I to C-3
Conrado Saenz**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately a ¼ mile north of Mile 2 North along the East side of Conway. The site measures 330' x 420' which equates to 138,600 sq.ft (3.18 acres).

SURROUNDING ZONES:	N:	AO-I	- Agricultural Open Interim
	E:	AO-I	- Agricultural Open Interim
	W:	AO-I	- Agricultural Open Interim
	S:	AO-I & C-1	- Agricultural Open Interim & Office Building

LAND USES: The surrounding land uses consist of 'El Buen Pastor' Church and First Cash Pawn to the south, open acreage and a small retail business to the west across Conway, a gravel and soil business to the north and open acreage to the east. The site currently has a storage room retail business, Saenz Hardware Store, a paint ball field, and an existing single family home.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation for the portion of Lot 29-7 adjacent to Conway Avenue.

Review Comments: The proposed C-3 request is directly consistent with the Future Land Use Map and existing land uses; the subject property adjoins Conway Blvd., a major thoroughfare

(mandates a minimum 150' ROW). The inherent traffic using this major street is more conducive for a non-residential use.

Recommendation: Approval.

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

There was no response.

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

Mr. Conrado Saenz whose address is 3314 Conway stated that his idea was just to convert this property to C-3 commercial if allowed.

Vice-Chairman Ned Sheats asked if there was reason for the rezoning.

Mr. Salinas stated that they were just bringing this property into compliance with what was existing already.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:19 p.m.

ITEM #1.3

Conditional Use Permit:

**To Construct a New Electrical
Substation Development in an AO-I Zone
10.025 acres out of Lot 13-9,
West Addition to Sharyland Subdivision
AO-I
American Electric Power**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately 1,000' south of Trinity Street along the east side of Mayberry Road. See copy of the proposed plat for site measurements. (AEP is currently going through the subdivision process for this tract.)

Code: Section 1.36-3(j), Zoning Code mandates a CUP for "*Facilities for railroads or those utilities holding a franchise under the City of Mission.*"

Proposal: The applicant wishes to construct a new electrical substation in order to provide better electrical service to the area, including the Mission Hospital and Royal Technologies. All minimum AO-I setbacks are being exceeded. Access to the site is proposed from Mayberry Rd. through an access drive. As part of the improvements to the area AEP is proposing to also install new 42' tall steel double circuit poles along Mayberry, Trinity, and behind the

MEDC Industrial Park. They are also proposing new wooden poles along the east side of Bryan Road.

- **Hours of Operation:** Every day – 24 hours a day
- **Staff:** This will be an unmanned site with few visits by AEP staff per year for maintenance.
- **Parking:** The employees will park on-site. No paved parking is required.

Review Comments: With such a low-key operation and the fact that this would be a great benefit for this section of Mission, staff recommends approval.

Recommendation: Approval subject to being transferable to others.

Chairman Rene A. Flores walked in at 5:15 p.m.

At this time, Vice-Chairman Ned Sheats handed the gavel to Chairman Rene A. Flores.

Chairman Rene A. Flores apologized to the audience and the Board for being late and continued by asking if there was any public opposition to the request.

There was no response.

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

Representing AEP, Mr. Juan Ludwig from CDS Muery Services stated that they were the Engineers of record that provided the civil design drawings. He added that typically what they do is they provided the civil site work in anticipation of the development of the new electrical substation itself. He mentioned that CDS Muery was located at 3411 Magic Drive in San Antonio, Texas 78229 was present to address any questions from the Board.

Chairman Rene A. Flores asked if they were going to have a big tower.

Mr. Ludwig replied, "That's correct". He added that typically the substation would consist of structures; the good thing was that it appears to be north of the City of Mission inlet which was in an isolated area behind the industrial park. He mentioned that this substation was primarily used for the distribution of power to the different entities. He added that this substation would benefit the City and surrounding neighbors tremendously.

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

Started: 5:19 p.m.

Ended: 5:22 p.m.

ITEM #1.4

Conditional Use Permit Renewal:

The Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social

**and/or Cultural Event
921 E. 12th Street
Lot 1, Mission Library Subdivision
R-2
Upper Valley Art League**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the east side of the Mission Library where paved parking is held in common.

- Ord. #3436 permits civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event.
- On 1-9-13, P&Z voted to approve a request by the UVAL for the offering of alcoholic beverages for 1 year. UVAL is now requesting a renewal for another year that would allow the serving of **complimentary** alcoholic beverages during Art events for 2014. (Please see the calendar of events for 2014.)
- All events are scheduled from 7:00p.m. to 9:00p.m.

Review Comments: It appears that the 2013 social events occurred with no incidents. UVAL firmly attests that they are very watchful of how much the patrons are responsibly served, and intend to have continued vigilance at their social exhibit events.

Recommendation: Staff recommends approval for 2014.

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

There was no response.

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

The applicant, Mrs. Maxilou Link who resides at 2107 Vernon Street was present to address any questions from the Board.

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

Started: 5:22 p.m.

Ended: 5:28 p.m.

ITEM #1.5

Conditional Use Permit Renewal:

**To Keep a Portable Building for the
Sale of Food at Los Primos Auto Sales
801 N. Inspiration Road
.69 ac. tract out of land known as
Fernandez Strip, out of Porcion 52
I-2**

Oscar Treviño

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SW corner of Inspiration Rd. and Business Highway 83 within Los Primos Auto Sales. This CUP was most recently approved on 10-22-12. The applicant is requesting a CUP permit renewal to keep the existing food stand's to the site is from an existing driveway along Inspiration Rd. There are existing restroom facilities located west of the cars which are available for public use.

- **Hours of operation:** Every day from 8a.m. to 12:00 a.m.
- **Staff:** The applicant and his employees run the stand.
- **Parking:** The owner has cleared out the front area (along Inspiration) to allow the stand the use of the parking area in front. Since the approval of the CUP, Staff has not received any complaints regarding parking.
- The applicant has submitted the approval by Health Department to operate the stand.

Recommendation: Staff recommends approval for 1 year subject to continued compliance with the Health and Fire Department requirements.

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

There was no response.

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

The applicant, Mr. Oscar Treviño whose address is 801 N. Inspiration Road stated that he would like the Board to consider renewing their permit.

Chairman Rene A. Flores stated that this portable has been improved since the last time he recalled seeing it and asked Mr. Treviño what his plans were for the future.

Mr. Treviño stated that his plans were to be there for another year and if the things would get better he would like to make something bigger.

Chairman Rene A. Flores suggested that maybe next year instead of renewing his permit he might want to look into a commercial location where he might be able to expand his business.

Mr. Treviño stated that if the economy allowed it those were his plans.

Mr. Ned Sheats asked Mr. Salinas why was staff reviewing this conditional use permit 4 months late.

Mr. Salinas stated that staff attempted to contact the applicant to come in to renew their permit with several calls, letters, and since we didn't get any response we filed in court.

Mr. Ned Sheats asked if with this applicant it took a call and a letter for him to renew.

Mr. Salinas replied, "No", Staff had to file in Municipal Court it was until they received their letter from court that they came to the city to renew their permit.

Chairman Rene A. Flores asked if staff was going to fine them.

Mr. Salinas replied, "Yes".

Chairman Rene A. Flores explained to Mr. Trevino that the conditional use permits were approved for a certain period of time and he needed to be more cautious in making sure that he renews on time. He added that staff had made several attempts to contact him via calls, letters and he didn't respond therefore now he needed to go before municipal court.

Mr. Trevino stated that the reason he had not come before to renew was because there are several business that had the same address and it was not until one of the owner of the other businesses gave him the letter that he came in to apply but it was already 2 days.

Chairman Rene A. Flores suggested that maybe he would need to get a Post Office Box in order to have more control of his mail and avoid any fines.

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

Started: 5:28 p.m.

Ended: 5:34 p.m.

ITEM #1.6

Conditional Use Permit Renewal:

Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window

- 100% Antojitos Mexicanos

2306 E. Expressway 83, Suites 1 & 2

Lot 1, Cimarron Crossing Ph. I Subdivision

C-3

100% Antojitos Mexicanos

Mr. Bobby Salinas went over the write-up stating that the subject site is located near the SE corner of J.R. Drive and Expressway 83 on along the Frontage Road. There is an existing plaza with several suites. The restaurant is located at the east end of the plaza with the drive-thru. This CUP was most recently approved August, 2012 for the sale and on-site consumption of alcohol and for the drive-thru for one year. The applicant is now seeking a renewal of the CUP.

- **Hours of Operation:** Every day from 7a.m. to 11p.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 8 - 10 employees (in shifts)

- **Parking & Landscaping:** There are 122 total seating spaces, which require 41 parking spaces (122 seats/1 space for every 3 seats = 40.6 parking spaces). It is noted that the parking area is held in common (105 existing parking spaces) and is shared with other businesses. Landscaping is currently exceeding City requirements and is maintained.
- Must continue to comply with all Building, Fire, and Health codes.
- Planning asked PD for a report of incidents. Staff should have this information by the date of the meeting.

Review Comments: There were a few concerns regarding parking when this CUP was last approved, however there have not been any issues or concerns regarding parking, thus Staff would support a longer approval period than 1 year.

Recommendation: If there are no reported incidents, and with PD's support, Staff recommends approval for 3 years.

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

There was no response.

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

The applicant, Mr. Jose Mendez whose address is 2306 E. Expressway 83, suites 1 & 2 was present to address any questions from the Board.

Chairman Rene A. Flores asked Mr. Mendez how his business was doing.

Mr. Mendez replied, "Very Good".

Chairman Rene A. Flores asked Mr. Mendez how many locations they have.

Mr. Mendez stated that they had the following locations: 2306 E. Expressway 83, 301 W. Griffin Parkway, on Nolana in McAllen, and they were getting ready to open a new location in Pharr.

Mr. Ned Sheats stated that it was a very nice looking building and he didn't have any problem approving it as recommended by staff.

Chairman Rene A. Flores stated that he would actually considering approving the CUP for 5 years instead of the 3 years. Chairman Flores asked Mr. Mendez if the police had ever been called to any of the two locations.

Mr. Mendez replied, "No".

Mr. Salinas stated that this was probably because this was primarily a restaurant rather than a night club.

Mr. Ned Sheats asked if staff had a police report.

Mr. Salinas replied, "No".

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Abiel Flores moved to approve the conditional use permit for 5 years. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:36 p.m.

ITEM #1.7

Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window
- **100% Antojitos Mexicanos**
301 W. Griffin Parkway, Ste. 1
Lot 1-D, Mission Park Plaza Subdivision
C-3
100% Antojitos Mexicanos

Mr. Bobby Salinas went over the write-up stating that the 1,402' sq. ft. restaurant site is located within a commercial plaza approximately 800' west of Conway Avenue along the south side of Griffin Parkway. This CUP was most recently approved on 2-13-12 for the sale and on-site consumption of alcohol and an existing drive-thru window. The applicant is now seeking renewal of the CUP.

- **Hours of Operation:** Every day from 11a.m. to 11p.m., Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 10 employees
- **Parking and Landscaping:** Viewing the floor plan, the 1,402' sq. ft. restaurant requires 19 parking spaces (1,402/75 sq. ft.= 18.7 parking spaces). It is noted that the parking area is held in common (78 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to existing, interlocking parking lots. Landscaping is in compliance with the landscaping code.
- Planning has asked PD for a report of incidents. Staff should have this information by the date of the meeting.

Review Comments: Staff has not received any comments for or against this item since the restaurant has been in operation. Staff does not object to an extended approval period for this item.

Recommendation: If there are no reported incidents, and with PD's support, Staff recommends approval for 3 years.

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

There was no response.

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

The applicant, Mr. Jose Mendez was present to address any questions from the Board.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit for 5 years. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:42 p.m.

ITEM # 1.8

**Conditional Use Permit Renewal: To keep a Portable Building for
Use as a Sales Office
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza
C-4
Gilberto Rocha**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 600' east of Stewart Road along the north side of the Expressway 83 Frontage Road. This CUP was approved by P&Z on 12-12-12 to be used as an office for an *auto sales* business. The portable has been on this site for several years and was previously utilized as an office for a landscaping nursery. The applicant has been in operation for approximately 1 year and is now seeking the renewal of the CUP for the portable sales office.

- **Hours of Operation:** Monday – Friday from 9a.m. to 6p.m. Saturday from 9a.m. to 2p.m.
- **Staff:** 2 employees
- **Parking:** The business requires a minimum of 4 parking spaces. The site has a total of 20 spaces, thus in compliant with parking code requirements.

Review Comments: During the previous CUP approval, Staff recommended that the rear half of the property be screened off from the car lot and that an all-weather surface be installed for the display of vehicles. The owner has installed a wood fence just behind the portable and does have a gravel base where the vehicles are on display. Staff also required the portable to be skirted, which has been done as well. The striping for the parking area was very faded. Staff recommends that the parking lot be re-striped.

Recommendation: Staff recommends approval for 1 year subject to:

1. Re-striping the parking area.

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

There was no response.

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

There was no response.

Chairman Rene A. Flores stated that in his opinion he didn't believe this was an ideal location for this type of business.

Mr. Salinas stated that this portable building was very difficult to see from the Expressway since it was set back about 100' and especially with the speed used on the frontage road.

Chairman Rene A. Flores stated that he didn't have anything against this type of businesses but just thought this area was not a good area for these businesses.

Mr. Salinas stated that this was the reason the City required the perpetual approvals because one day staff might get the order from Council not to allow any more portable buildings but until staff gets the order the conditional use permit is in compliance.

Mr. Ned Sheats stated that this property needed more landscaping and continued maintenance.

Mr. Abiel Flores asked Mr. Salinas if the cars that he had for sale could be parked outside.

Mr. Salinas replied, "Yes".

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

Started: 5:42 p.m.

Ended: 5:48 p.m.

ITEM # 1.9

Tabled Conditional Use Permit:

Drive-Thru Business

1001 W. Expressway 83

Lot 35 & 36, Freeway Subdivision #3

C-3

Gerardo Martinez

Mr. Bobby Salinas stated that this item needed to be removed from the "Table".

Chairman Rene A. Flores entertained a motion to remove the item from the 'Table'. Mr. Ned Sheats moved to remove the item from the 'Table'. Mr. Abiel Flores seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SW corner of Expressway 83 and San Pedro Street. Since there was a concern in regards to traffic Mr. Martinez has submitted a new layout showing various speed bumps and bollards along the drive-thru route to ensure the safe travel of vehicles through the building. He is also

showing the access located more to the south of the original proposal which would increase the stacking by approx. 1 vehicle. He is also showing 7 parking spaces, plus approx. 3 inside the drive-thru to meet the parking requirement of 8 spaces. Staff would like to see this CUP within 6 months in order to assess the traffic situation and the installation of the parking, landscaping, and sidewalks.

Recommendation: Staff recommends approval for 1 year subject to:

1. A 6 month review by Staff to ensure traffic safety;
2. Must install additional landscaping and sidewalks along the Expressway frontage;
3. Must complete the parking requirements as shown on the plan, including speed bumps and the fencing;
4. Must wet zone the property, if needed;
5. Must comply with all building, fire, and health codes prior to obtaining a Business License.
6. Obtain a Business License

Mr. Salinas added that the Board might recall that during the last meeting staff received a letter from the neighborhood mentioning the negative impact on the neighborhood in regards to traffic. He mentioned that Mr. Martinez is hoping that his new proposal will alleviate the concerns of the neighbors.

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

There was no response.

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

The applicant, Mr. Gerardo Martinez whose address is 1001 W. Expressway 83 was present to address any questions from the Board.

Chairman Rene A. Flores stated that the changes look good on paper but would hope the outcome at the site will be the same.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mr. Carlos Lopez 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. Abiel Flores seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:49 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission