

**PLANNING AND ZONING COMMISSION
MARCH 14, 2016
CITY HALL'S COUNCIL CHAMBERS @ 10:00 A.M.**

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
Diana Izaguirre

P&Z ABSENT

Marisela Marin
Julio Cerda
John Guerra

STAFF PRESENT

Daniel Tijerina	Jaime Tijerina
Jaime Acevedo	Abiel Flores
Susana De Luna	Anna Carrillo
Eddie Latin	

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 10:00 a.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

Started: 10:01 p.m.

Ended: 10:12 p.m.

Item #1.1

Discussion and Action on Proposed Amendment to Sections 1.2, 1.43(2), 1.44(2), 1.44A(2), 1.45(2), and 1.46(2) of "Appendix A – Zoning" of the Code of Ordinances to define and include Credit Access Businesses and Regulated Lenders as permitted uses within C-3, C-4, C-5, I-1, and I-2 Zoning Districts.

Mr. Daniel Tijerina stated that this item would also be considered by the City Council later this afternoon. Mr. Tijerina went over the ordinance that our City Attorney Jaime Tijerina had worked on which read as follows:

WHEREAS, the proliferation and clustering of credit access businesses and regulated lenders in a community can have a detrimental effect on local property values and economic redevelopment; and

WHEREAS, the fees and lending practices used by credit access businesses and regulated lenders can have an unreasonable adverse effect on the citizens of the City of Mission; and

WHEREAS, the City of Mission has experienced a proliferation of credit access businesses and regulated lenders within the city limits; and

WHEREAS, after notice this matter was considered by the Planning and Zoning Commission on March 14, 2016, the Planning and Zoning Commission recommended approval of the zoning amendment; and

WHEREAS, after notice and upon consideration of the recommendation of the Planning and Zoning Commission, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, TEXAS:

SECTION1:

(a) Definitions.

1. Section 1.2-Definitions of "Appendix A-Zoning" of the Code of Ordinances is hereby amended to add the following;
 - a. 17B. CREDIT ACCESS BUSINESS has the meaning given that the term in Section 393.601 of the Texas Finance Code.
 - b. 47A. REGULATED LENDER means a lender who holds a regulated loan or consumer loan license under Section 342 of the Texas Finance Code.
2. Sections 1.43(2), 1.44(2), 1.44A(2), 1.45(2) and 1.46(2) of "Appendix A- Zoning" of the Code of Ordinances is hereby amended to add credit access businesses and regulated lenders as a permitted use, except that no new credit access business or regulated lender may be located within one thousand five hundred (1,500) feet of another credit access business or regulated lender, measured in a direct line from property line to property line.
3. It is the declared purpose of this section that in time all credit access businesses and regulated lenders shall come to conform to the provisions of this section or be removed.
4. A credit access business or regulated lender that does not conform to these standards and that existed lawfully on the date the use commenced shall be deemed a nonconforming use. A nonconforming use may be continued, so long as it does not increase its level of nonconformity.
5. If a credit access business or regulated lender ceases operations at a particular location, a new business license shall not be issued for a new credit access business or regulated lender at that location without first complying with all the requirements of this section.
6. No existing credit access business or regulated lender may be expanded by 25 percent or more of its building area on or after April 1, 2016, or be repaired, remodeled, rehabilitated, or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute 25 percent of the

current value of the structure as established by the most current value established by the appraisal district without first complying with all the requirements of this section.

7. The privilege to continue a nonconforming credit access building shall cease and such use shall terminate whenever any of the following occur:
 - a. A business license is requested for a change of owner, occupant, tenant, or business is issued.
 - b. The business license for the use is relinquished, canceled, or terminated in accordance with other applicable ordinances.
 - c. The use or the structure housing the use is altered, remodeled, expanded, or otherwise improved that increases its level of nonconformity.
 - d. The structure housing the use is damaged and the cost to repair exceeds 51 percent of the replacement cost on the date of damage.
 - e. The credit access business' or regulated lender's state license is revoked, suspended, surrendered, expires or is terminated.

8. The aforementioned regulations shall apply to all new establishments seeking to obtain a business license as a credit access business or regulated lender, including new buildings or in any existing building or portion of a building.

SECTION 2. Any person violating or failing to comply with any provision of this ordinance shall be fined upon conviction not more than five hundred dollars (\$500.00). Each day any violation of any provision of this ordinance continues constitutes a separate offense.

SECTION 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 4. These amendments shall be codified in the City of Mission's Code of Ordinances as soon as practicable.

SECTION 5. This Ordinance shall be effective upon publication of the caption of this Ordinance which shall be published by the City Secretary in a newspaper of general circulation of the City of Mission according to law.

STAFF'S RECOMMENDATION: Approval.

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

There was no response.

Chairman Sheats stated that he liked the ordinance but aside from the grandfathered clause he would like to add a sunset clause to be no more than 5.

Mr. Mario Garza asked if he could explain the sunset clause.

Chairman Sheats stated that with the grandfather clause a business could be open for more than 20 years or forever and he believed they should have a limited time frame.

Ms. Diana Izaguirre stated they didn't need a sunset clause because the ordinance does cover that it stated that if they change of name, property owner or location they would lose the grandfather clause and would need to comply with the ordinance.

Mr. Tijerina stated that the City Attorney did include that wording in the ordinance but if P&Z wanted they could include the sunset clause as a recommendation.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the proposed amendment as per staff's recommendations including the sunset clause to be no more than 5 years. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 10:13 a.m.

Ned Sheats, Chairman
Planning and Zoning Commission