

**PLANNING AND ZONING COMMISSION**  
**APRIL 24, 2013**  
**CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Rene Flores  
Carlos Lopez  
Mario Garza  
Diana Izaguirre  
Marisela Marin

**P&Z ABSENT**

Abiel Flores

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Susana De Luna

**GUEST PRESENT**

Restituto Ascano  
Erika Gonzalez  
Ruth Lopez  
Georgina Mata  
Georgette Mata  
Julio Cerda  
Ana Vasquez  
Cindy Gonzalez

**CALL TO ORDER**

Chairman Rene Flores called the meeting to order at 5:00 p.m.

**CITIZENS PARTICIPATION**

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

There was no response.

**APPROVAL OF MINUTES FOR APRIL 10, 2013**

Chairman Rene Flores asked if there were any corrections to the minutes for April 10, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:04 p.m.**

**ITEM #1.1**

**Rezoning:**

**Lot 1, Nido De Aguila Subdivision**  
**R-1 to P**  
**Luz Para Las Naciones Church**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Expressway 83 and South Olmo Street. The surrounding zones & existing land uses include: to the north – Expressway 83; to the east – C-3 (General business; Palette Business) & R-1 (Single Family Residential, SF Homes); to the west and south – R-1 (Single Family Residential, SF Homes). The site currently is R-1 (Single Family Residential); Church and Charter School.

The Future Land Use Map reflects a Public (P) designation.

On August 13, 2012, City Council created a new Zone which requires all public facilities such as City, County, Federal building; Churches; and Schools to fall within the zone. Luz Para Las Naciones is proposing to change the zone from R-1 to P in order to be in compliance with the new Public zone ordinance. Notices were sent to property owners within 200' of the site. Staff has not received comments for or against this proposal. Staff recommended approval.

Mrs. Diana Izaguirre & Mrs. Marisela Marin walked in at 5:03.

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

There was none.

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

There was none.

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

Mr. Bobby Salinas asked the Board if they could make Item #1.2 the last item on the agenda since the representative for Item 1.2 was running late and he wanted to be present for his item.

**Started: 5:11 p.m.**

**Ended: 5:14 p.m.**

**ITEM #1.2**

**Rezoning:**

**Lot 4, Cauthen Subdivision**

**C-1 to C-2**

**Jose A. Vela**

Mr. Bobby Salinas went over the write up stating that the subject site is located approximately 200' west of Bryan Road. The lot measures 95' x 168' (15,960 sq. ft.). The surrounding zones & existing land uses include: to the north – R-1 (Single Family Residential; SF Neighborhood); to the east, west, and south – C-1 (Office Building District, Dr's Office, Open Acreage, and MCISD Admin. Offices). The site currently is C-1 (Office Building District; existing parking lot). The Future Land Use Map reflects a General Commercial (GC) designation.

The C-2 proposal is directly consistent to the future land use map's General Commercial (GC) designation. The site also has access to the public alley which is a typical feature of commercial lots. A C-2 zone does not appear to be an objectionable change. Staff recommends 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.

Mr. Julio Cerda, from South Texas Infrastructure Group stated that he was representing Mr. Vela who was proposing to do a 6500 sq. ft. building.

Mr. Ned Sheats asked what for?

Mr. Cerda stated that the reason they were asking to rezone to a C-2 was to have an Adult Daycare Center. He added that the Adult Daycare was going to be about 3500 sq. ft. and the rest would be for two other suites.

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

**Started: 5:04 p.m.**

**Ended: 5:11 p.m.**

**ITEM #1.3**

**Conditional Use Permit:**

**To keep a 5.5' x 10.6' Portable Building  
for the Sale of Snacks**

**407 La Lomita St.**

**S. 120' – W. 130' S. ½ of Block 8,  
Citriana Heights Subdivision**

**C-3**

**Erika Gonzalez**

Mr. Bobby Salinas went over the write up stating that the subject site is located at the NE corner of Lomita Avenue and Delmar Drive. Existing entry and exiting to the site is from a pair of 24' driveway cuts along Delmar Drive, and a 24' driveway cut along Lomita Avenue. The portable building is set in a concrete landing along the south side of the property between the 24' driveways.

Restroom facilities are available at Elizondo's Tires (abutting business to the north). Also, during the last approved CUP, a letter was submitted where

management for Foy's would not refuse the restroom facilities to employees or patrons as well.

The last CUP approved at this location was 7-25-12 however, since the CUP was not transferable to others and a new operator is evident, a new CUP application needs to be considered.

- **Hours of operation:** Monday through Sunday from 10 p.m. to 11 p.m.
- **Staff:** 2 employees;
- **Parking & Landscaping:** Parking is in order since many that are washing cars or conducting business at Elizondo's Tires merely walk over. When this CUP was first awarded, the original applicant installed additional trees and shrubs to improve aesthetics.
- Must comply with Fire and Health requirements and must acquire a business license.

Staff recommended approval subject to: 1) 1 year re-evaluation, and 2) must secure a business license.

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 was present.

Mrs. Erika Gonzalez who resides at 203 S. Nicholson was present to answer any questions from the board.

Mr. Ned Sheats stated that this was one of the best looking stands that he has seen in Mission but he had never seen a table.

Mrs. Gonzalez stated that it has been there but it had been recently painted.

Chairman Rene Flores asked if there was a possibility to move that table to the side to avoid any accidents.

Mrs. Gonzalez stated that she could move the table which was actually where she wanted it. She added that if they would allow her to put like toys or a playhouse for the children to play and if so does it need to be fenced in.

Chairman Rene Flores stated that she didn't need to have it fence but he would have a big concern if she added anything else besides the table because the kids may run towards the play area without looking and it may cause an accident.

Mrs. Gonzalez stated that she would just keep the table and not put anything else.

Chairman Rene Flores asked if she was receptive to complying with staff's requirements.

Mrs. Gonzalez replied, "Yes".

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as recommended by staff. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Bobby Salinas asked the Board if they could go back to Item #1.2 since the representative for that item had already arrived.

**Started: 5:43 p.m.**

**Ended: 5:46 p.m.**

**ITEM #1.4**

**Conditional Use Permit:**

**Home Occupation – Business Office**

**1807 Lauren Lane**

**Lot 10, Shary Palms Subdivision, Unit V**

**R-1**

**Nicolo Bernaldez**

Mr. Bobby Salinas went over the write-up stating that the site is located near the NW corner of Lauren Lane and Kerria Avenue. Mr. Bernaldez wishes to operate an on-line T-shirt screen printing business out of his residence. He will be utilizing a small office located within his home for the T-Shirt screen printing business. The applicant will be using a printer that directly prints images onto the T-shirts. This printing utilizes water based pigmented inks that are environmentally friendly and uses as much electricity as a regular household appliance.

- **Hours of Operation:** Monday – Friday from 9 a.m. to 4 p.m.
- **Staff:** Only the applicant and 1 other employee will be running the business.
- **Parking:** There is an existing 2 car driveway that would be available for parking. If the office has any traffic, since it is by appointment only, it should be very minimal.
- **Zoning Code:** Home occupations such as this request must comply with Sect. 1.56-1 of the Zoning Code.

According to the applicant there will be very minimal traffic, since the majority of the business is run on-line and any walk-ins would be by appointment only.

The majority of the orders would be handled off-site via the Postal Service, delivery to the customers, etc. Notices were sent to property owners within 200' from the CUP where staff has not received any comments for or against this proposal, thus staff does not object to this new CUP as a business office. Staff recommended approval subject to: 1) 1 year re-evaluation in order to assess the business office, 2) Compliance with Sect. 1.56-1 of the Zoning Code (Home Occupations); 3) No signage permitted on the home larger than a 1' x 1' name plate; and 4) acquisition of a business license.

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 was present.

Representing the applicant, Mr. Restituto Ascano was present to answer any questions that the Board might have.

Mr. Ned Sheats asked if they were going to have deliveries like t-shirt, supplies, etc.

Mr. Ascano replied, "Yes".

Mr. Ned Sheats asked how often they would have the items delivered to the house.

Mr. Ascano stated that if they did, they would have deliveries only once or twice a month. He added that they would be trying to pick up most orders at the post office.

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

**Started: 5:19 p.m.**

**Ended: 5:24 p.m.**

**ITEM #2.0**

**Single Lot Variance:**

**The W. 1 acre of Amerongen-  
Kendon Subdivision  
C-3  
Irma De La Cruz**

Mr. Bobby Salinas went over the write-up stating that this property is located 500' west of Adams Street along the north side of Business 83. The property

measures 122.15' x 357.25' for a total square footage of 43,638.09 sq. ft. The property is currently open acreage. Ms. De La Cruz is proposing a new meat market thereon.

Water: There is an existing 12" water line along the north side of Business 83 and a 4" line in the alley area. There is an existing fire hydrant located at the SW corner of the site. (Note: The Fire Marshal shall make the final determination as to the need for any additional fire hydrants on the rear area.)

Sewer: The site has access to an existing 6" sewer line located along the alley area to the north. The Capital Sewer Recovery will be required in the amount of \$750. (\$750/acre x 1 ac.)

Streets & Drainage: The property has frontage along Business 83 which does not require additional right-of-way or paving. Drainage will be reviewed during the building permit stage. Staff insists on a 24' E-W egress/ingress easement to connect both commercial adjoiners located on the east and west of the site.

Other comments include: Since this is a commercial property, Park Fees will not be imposed, must install/escrow 5' sidewalks during the building permit stage, provide proof of exclusion from the Water District. (Letter from UID), and there are existing street lights along Business 83; no new streets lighting required. Staff recommended approval subject to: 1) payment of capital sewer recovery fee, 2) provide proof of exclusion from the water district (water rights conversion), and Sign E-W access easement for commercial traffic maneuverability.

Chairman Rene Flores asked what the single lot variances were for.

Mr. Salinas stated that instead of going through the subdivision process with an engineer, survey, etc., Single Lot Variances are provided in order to not go through the entire process but still meeting the intend of the model subdivision rules.

Mr. Daniel Tijerina stated that the criteria to qualify for a Single Lot Variance are that the property has access to a public street, water and sewer available to the site, and also fire hydrant protection.

Mr. Ned Sheats stated that then pretty much everything needs to be available to the property in order to qualify for a Single Lot Variance.

Mr. Tijerina replied, "That's correct".

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 was present.

There was no response.

There being no further discussion, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the single lot variance as recommended by staff. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Other Business:

Mr. Daniel Tijerina offered his condolences to Mrs. Marisela Marin for the loss of her mother on behalf of the City and staff. Mr. Tijerina asked the Board if they could excuse Planning Commissioner Abiel Flores for not being able to attend the meeting in a form of a motion because he had to be out of town and would like to have that for the record on behalf of the Planning Commission. Mr. Tijerina added that Mr. Flores did express that he would not be able to attend the meeting.

Mr. Ned Sheats asked if this was the reason why staff kept an attendance log to see if we could get an excused. He asked what the requirements were and what would qualify an excused absence.

Mr. Tijerina stated that as far as he knew there was no criteria but staff could certainly look into it. He added that this afternoon was just a request by staff based on a call made by Mr. Flores for not being able to be present.

Ms. Diana Izaguirre stated that if it was not on the agenda the Board could not act on it.

Chairman Rene Flores stated that he would consider Mr. Abiel Flores request since he did made an effort to alert staff by making a call in to advice that he would not be able to attend the meeting.

Mr. Daniel Tijerina read a section of the bylaws just for the record with states the following:

"Pursuant to Sec. 2-16, any member of the Board who is absent more than three (3) consecutive times from any regular or special meeting of said board, or who is absent from said meetings more than fifty (5) percent of the time during any one calendar year, without a legitimate excuse to be determined by the majority of any such board, shall be automatically dropped from membership."

Mr. Tijerina thanked Chairman Flores for recognizing the fact that Mr. Flores did communicate with the office regarding his absence this afternoon. Mr. Tijerina invited that Board to attend an APA Workshop to be held at the Mission City Hall on June 14, 2013 from 9:30 a.m. to 4:00 p.m. He added that any Board Member that would be interested in attending the City would cover their costs.

A group of students from South Texas Community College were present as part of an assignment from their college class.

Chairman Rene Flores asked if they could state their names and address for the record.

Ms. Ana Vasquez who resides on 1901 W. 19<sup>th</sup> Street stated that she was a junior and her major was Texas Government.

Ms. Georgette Mata who resides at 1505 Lucksinger stated that she was a sophomore and her major was Biology.

Ms. Cindy Gonzalez who resides at 3501 San Eugenio stated that she was a sophomore and her major was Phycology.

Ms. Ruth Lopez who resides on 605 E. Sam Houston in Pharr stated that she was a sophomore and her major was Biology.

Ms. Georgina Mata who resides at 1505 Lucksinger stated that she was a sophomore and her major was Biology.

**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 5:32 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission