

**PLANNING AND ZONING COMMISSION
APRIL 27, 2011
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Luann Caudle
Marisela Marin
Carlos Lopez
Rene Flores
Jose G. Vela

P&Z ABSENT

Mario Garza

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Sonia Carnes
Irasema Dimas

GUESTS PRESENT

Alejandro Valdez
Sharon Almaguer
Diana Sierra
Heleazar Solis Jr.
Tina McClellan
Yesenia Treviño
Oscar Madrigal
Brice Chandler
Isabel M. Escobedo
Margarita Súchil
Gabriel Montiel
Gonzalo Arevalo
Elias Gonzalez
Elias Acevedo
Everardo Sustaita

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:04 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR APRIL 13, 2011

Chairman Sheats asked if there were any corrections to the minutes for April 13, 2011. There being no corrections, Mr. Vela moved to approve the minutes as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:07 p.m.

ITEM # 1.1

Request by Isabel Escobedo to have P&Z Waive 6-month Waiting Period in Order to Consider a Conditional Use Permit (CUP) on property Described as a Tract of land out of the North 206.28', Lot 31, Sharyland Orchards.

Mr. Zavala went over the write up stating that initially, Mrs. Escobedo sought the CUP option but was instead guided through the rezoning motions based on direction received from the City Council approximately 2 years ago wherein they stated, 'no

more R-4 CUPs for homes'. The City Council did not support her R-1A rezoning based on size requirements.

Our zoning ordinance mandates that on issues of a change of land use proposals, e.g., rezonings, CUPs. That 'if denied', that such requests on the same piece of property cannot be considered unless 6 months elapse between applications UNLESS P&Z waives the 6 month rule.

Evaluating the matter further in various meetings with the area residents, Management, and a member of the City Council, there seems to be support to now consider Mrs. Escobedo's request as a CUP after all.

With that said, and the change of direction given, Staff recommends that the 6 month rule be over-ridden to allow the CUP public hearing process to come to pass to consider her request to build a site built home on property zoned R-4, which can only improve her neighborhood and will not be detrimental to area property values. Staff recommended approval.

Chairman Sheats asked if there were any comments from the board. There being none, he entertained a motion. Mrs. Marin moved to approve the item as presented by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:11 p.m.

ITEM # 1.2

Request by Martin Garza/LDS Church to have P&Z Waive 6-month Waiting Period in Order to Re-consider a Conditional Use Permit (CUP) for an Institutional Use on Property Described as the E. 330' – 660' out of Lot 28-10, West Addition to Sharyland.

Mr. Zavala went over the write up stating that our Zoning Ordinance mandates that on issues of a change of land use proposals, e.g., rezonings, CUPs, that 'if denied', that such requests on the same piece of property cannot be considered unless 6 months elapse between applications UNLESS P&Z waives the 6 month rule.

The subject CUP for a church was denied in late December; thus, 6 months after that tenure will be late June 2011.

Evaluating the matter, there is new information that was not disclosed at the previous public hearings that would seem to warrant re-consideration.

Staff recommends that the 6-month rule be waived to allow the CUP public hearing process to come to be activated. If approved, the applicant will then file a new CUP application, with new fees imposed, and then Staff will induce the public hearing process.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Sharon Almaguer representing the LDS Church stated that there was a critical need to have a church established in Mission, since all the patrons from Mission have to travel to McAllen to attend the services.

There being no other comments, Mr. Lopez moved to approve the item as presented by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:14 p.m.

ITEM # 1.3

Conditional Use Permits:

**Single Family Dwellings Within Property
Zoned Mobile Home and Modular District
2111 Pleasant Ln. & 2116 Pleasant Ln.
Kings Mobile Subdivision (U/R)
R-4
Isabel Escobedo & Gabriel Montiel**

Mr. Salinas went over the write up stating that the sites are located within King's Mobile Subdivision along both sides of Pleasant Lane. The lot's dimensions are 60' X 103.14'. Section 1.40(3f) of the Mission Zoning Code under Conditional Uses allows for: "One single-family dwelling per lot. Structures must meet the requirements of the R-1 district." The subject sites both meet R-1 area requirements.

The Escobedo lot was previously considered for R-1A rezoning but was not sustained at the Council level. After meeting with Staff & a member of the City Council in separate meetings, the CUP option was deemed the best option for the applicants and the neighborhood.

Mr. Montiel's previous CUP for a home was approved in May '99, but since no construction occurred within the 1 year (via code), the CUP naturally expired; thus, a re-application is now warranted. Since the lots are R-1 complaint, will be meeting all setbacks, and would be more beneficial to the neighborhood, staff recommends approval.

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

There was none.

Chairman Sheats asked if the applicants or representatives were present.

Mr. Zavala stated that both applicants were present.

Chairman Sheats asked if they were willing to comply with the requirements.

Mr. Zavala replied that the only requirements would be meeting the setbacks.

Mr. Flores asked if there were existing residences within the subdivision.

Mr. Zavala responded that there were some residences within the subdivision.

Mrs. Caudle stated that these homes would be an improvement to the area.

There being no other comments, Mrs. Caudle moved to approve the item as presented by staff and transferable to others. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:23 p.m.

ITEM # 1.4

Conditional Use Permit:

**To Place a 17' X 92' Portable Building for
Use as a Science Lab**

1352 E. 1st Street

Lots 4-6, Bryan Pointe Subdivision

C-3

Life of Use

Alejandro Valdez

Mr. Salinas went over the write up stating that the site is located 180' east of Bryan Road along the south side of 1st Street within an existing plaza. The proposed mobile home measures 17' X 92' and is proposed to be placed behind lots 4-6; said structure would be at the 0' rear setback where a minimum 5' is required to the public alley. The subject site is leased IRRA, Inc., which is a non-profit charter school. The proposed portable building will have 7 lab workstations as well as a storage room, prep. room, & a restroom.

The owner of the property, David Garcia, provided a letter stating his authorization to place the mobile home on the site. The rationale behind the installation of a portable rather than using one of the available vacant suites is the IRRA, Inc. did not want to invest (remodel) into a property that did not belong to them, and if they were to expand to another location, they would want to have the flexibility to re-locate the mobile home to the new location.

Staff has several concerns due to:

- Having a mobile home structure behind a linear commercial complex on Bryan Road that's linked to the fairly new Anzalduas Bridge is likely not an image the City desires.

- There are many vacant suites that adjoin the center thus the obvious alternative is to merely make arrangements to lease additional suites rather than move in a mobile home in the alley area (that violates the rear setback).
- We also noticed that the mobile home would remove 10 rear parking spaces. This may currently (2011) not be an issue but with several vacant suites, it could inhibit leasing other suites (dependent on their use).

Staff recommended denial.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Alejandro Valdez, the applicant, was present to answer any questions from the board.

Mrs. Marin asked Mr. Valdez what type of school it was?

Mr. Valdez replied that IRRA was a special education school.

Mrs. Marin asked the ages of the children that attend the school?

Mr. Valdez replied that he wasn't sure on the ages, but there were teenagers too.

Mrs. Marin stated that the reason why she asked the ages was because she was not sure if they were complying with the State regulations as far as playground requirements.

Mr. Valdez replied that the science lab was one of the requirements from the state.

Mrs. Marin asked Mr. Zavala if he thought that the school was in compliance with the state regulations.

Mr. Zavala replied that he was not familiar with the state requirements.

Chairman Sheats stated that he believe that there would have to have more information than the one provided in order to make a decision.

Mr. Flores stated that what the board would need to see was that staff evaluated that property and the proposal does not meet the requirements and therefore, was recommending denial. Mr. Flores mentioned that the area may not be the most suitable for a school and maybe what the school should consider is relocating to a bigger property.

After a brief discussion, Mr. Flores moved to deny the item as presented by staff. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:23 p.m.

Ended: 5:29 p.m.

ITEM # 1.5

Conditional Use Permit:

**Home Occupation – One Chair Beauty Salon
1905 Esperanza
Lot 3, Taurus Estates # 3 Subdivision
R-1
Life of Use
Margarita Súchil**

Mr. Salinas went over the write up stating that the subject site is located 125' west of Inspiration Road along the south side of Esperanza Avenue. The site has frontage to a public street where the street width is 37' B-B with abutting sidewalks. The home has a two-car driveway (1 inside the garage). However, code requires a minimum of 2 off-street parking spaces for residential areas. Since the applicant is proposing to convert the garage for the beauty salon, an additional parking space (driveway extension) must be added. In speaking with the applicant, on 4/19/11, she stated that she had no objection to adding the driveway extension.

- **Days/Hours of operation:** Tuesday – Saturday from 10:00 a.m. to 6:00 p.m. **(By appointment only).**
- **Staff:** Only the applicant will operating the salon.
- Any signage would have to be a max. of 1'x1' and must be attached to the home; there are to be no exterior markings or lettering that may reflect a use other than a home.
- Must comply with Sec. 1.56-1, Zoning Code (home occupations regs.)

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** must add 1 additional off-street parking space, **3)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **4)** acquiring a business license.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Margarita Súchil was present to answer any questions from the board.

Mrs. Marin asked if she was willing to comply with all the requirements.

Mrs. Súchil replied 'yes'.

Chairman Sheats asked if by expanding the driveway would there be any problems with the neighbors.

Mr. Zavala replied that there wouldn't be any problems, since the expansion would take place within the applicant's property.

Mr. Flores asked what were the rules and where would staff draw the line of the CUP time.

Chairman Sheats replied that it would be when staff gets a complaint.

Mr. Salinas replied that if they get a complaint and staff verifies that it became a nuisance, then the item would have to be brought back to P&Z and it may be revoked.

Mr. Zavala replied that with 1 chair only and other people waiting, most people don't like waiting, so more than likely, they would go some place else. On most of the CUP's they only get 1 year to make sure that there wouldn't be any problems, maybe the 2nd year they could get a longer period of time.

After a brief discussion, Mrs. Marin moved to approve the item as presented by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:29 p.m.

Ended: 5:32 p.m.

ITEM # 1.6

Conditional Use Permit:

**To Place an 8' X 18' Portable Building for
Use as a Walk-in Cooler
2430 E. Griffin Parkway
Lot 1, Valley Express Subdivision
C-3
Life of Use
El Pato Mexican Food**

Mr. Salinas went over the write up stating that the site is located 600' east of Shary Road along the south side of Griffin Parkway. The 8' X 18' (144 sq.ft.) fiberglass portable building is proposed to be located in El Pato's delivery area located on the south side of the primary building. The structure will have an exterior finish consistent to a masonry facade.

With the main restaurant obstructing the view from Griffin Parkway, in addition to landscaping near the delivery area, the portable is not readily seen. However, having a portable next to a site built structure may not be a long-term desire of the City when considering aesthetics along a major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable may need to be upgraded

with an on-site built structure. Staff recommended approval subject to perpetual annual re-evaluations.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Heleazar Solis from 1300 Tamarack, representing the applicant stated that El Pato was trying to minimize the cost of delivery by adding another storage area, since the existing one is very small and they have deliveries almost every single day.

There being no other comments, Mr. Vela moved to approve the item as presented by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:42 p.m.

ITEM # 1.7

Conditional Use Permit:

Drive-Thru Business

3300 N. Inspiration Road

Lot 1, Gomez Estates Subdivision

C-2

Life of Use

Elias Gonzalez

Mr. Salinas went over the write up stating that the site is located on the NE corner of Inspiration Road and Mile 2 Road. The subject site currently has an existing convenience store. The applicant wishes to remodel/convert the dormant structure into a drive-thru convenience store. Primary access into the drive-thru business will be from Inspiration Road through a 30' driveway leading into the building, then exiting out through 2 Mile Road. Staff is pleased to see that the applicant is proposing to seal off a large majority of the open curb along both 2 Mile Road and Inspiration Road. However, due to the future widening along Mile 2 that would remove any curbing and sidewalks installed by the applicant, the prudent thing to do is to have the owner(s) record a binding agreement to have no more than one 30' driveway cut to 2 Mile Road. If 2 Mile is not widened, then during annual renewals, we can disclose that to P&Z and determine when is best to have the curbing/sidewalks done. Once the curbing is done an alternate parking plan, or hybrid thereof, should be imposed. For now, their proposal is satisfactory.

- **Days/Hours of Operation:** Sunday – Thursday from 11:00 a.m. to 11:00 p.m. and Friday – Saturday from 11:00 a.m. to 12:00 a.m.
- **Staff:** 4 employees.

- **Parking:** The drive thru business measures 3,506.1, which requires 12 parking spaces and the existing water mill, requires 4 spaces. There are a total of 10 parking spaces being proposed, plus enough space for 3 vehicles to be within the building and 4 spaces under the existing gas canopy for a total of 17 spaces. Re-striping of the spaces is in order.
- **Landscaping:** 5 shade trees are being proposed, however staff would like to see at least two additional 7' – 3" caliper trees along the areas of Mile 2 and Inspiration, inclusive of maintenance of the green areas in general.
- There is an existing barbeque pit area (SW corner) and sno-cone stand located on the site that will need to be removed prior to business license issuance.
- Must comply with the City's Sign Ordinance.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** encumbrance agreement requiring only one 30' driveway cut along Mile 2, **3)** install 2 additional shade trees along the areas of Inspiration Road and Mile 2 and maintain the existing green areas as well, **4)** must remove the existing barbeque area located on the SW corner of the site and the existing sno-cone stand; addition on north side to meet building code (or removed), **5)** comply with City's Sign Ordinance, and **6)** obtain business license.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Elias Gonzalez the applicant was present to answer any questions from the board.

Chairman Sheats asked if the applicant had any questions regarding the requirements.

Mr. Gonzalez replied that he was willing to comply with all the requirements.

Mrs. Caudle asked staff to clarify the requirement on the landscaping.

Mr. Salinas replied that it should be 2 more additional and with the 5 proposed by the applicant it would be 7 trees in total.

Mr. Flores asked if there were any existing gas pumps under the canopy.

Mr. Gonzalez replied that there were no gas pumps.

Mr. Flores asked if the city would require the applicant to cover up the gas tanks.

Mr. Salinas replied that the city would require the applicant to meet the TECQ guidelines.

Mrs. Marin asked if the canopy could be removed even though the gas tanks were in existence.

Mr. Gonzalez stated that if the Board wanted he could remove it and it wouldn't be a problem.

After a brief discussion, Mr. Vela moved to approve the item as presented by staff and removing the canopy. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 6:07 p.m.

ITEM # 1.8

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic Beverages in a Social Events Center
2.47 acres out of Lot 2, Colorado Subd.
C-3
Life of Use
Everardo Sustaita**

Mr. Salinas went over the write up stating that the subject site is located 475' east of Shary Road along the north side of Colorado Street. See survey...notice the 50' of frontage along Colorado, to be constructed as a private drive that will lead you into the future events center with adjoining commercial suites and will connect to the existing paved fire lane behind Wal-mart. The applicant is currently in the process of purchasing the property and does not want to invest too much money into the project until he is certain that the use is approved. Once approved the applicant will have the property subdivided, which will include emphasis on Fire Hydrants, Utility extensions, etc. The proposed site plan is subject to slight change and may be encumbered through a plat note requiring P&Z approval of the final site plan once the subdivision is complete and more formal plans are presented.

The social events center will be 7,110 sq.ft., which will be utilized for activities such as weddings, reunions, birthday parties, seminars, etc. Section 1.56(3a) of the Zoning Code requires 'such uses to be at least 300' from any residence, church, school, or publicly owned property'. There are existing residential apartments to the east, thus a waiver of the 300' separation must be considered.

Parking: Typically, parking reflects a need of 71 parking spaces (1 space per 100 sq.ft.). They are proposing a total of 110 parking spaces held in common at this development, leaving a surplus of 39 spaces available to the future commercial suites. Since most activities are held at later hours and on weekends, when most

businesses at this development should be closed, Staff does not foresee any parking issues.

Days/Hours of Operation: Monday – Thursday 4:00 p.m. to 10:00 p.m.
Friday – Saturday 4:00 p.m. to 2:00 a.m.
Sunday 12:00 p.m. to 8:00 p.m.

Staff recommended approval subject to: **1)** comply with the Subdivision Code, **2)** a 1 year re-evaluation after business license issuance, **3)** waiver of 300' separation requirement, and **4)** wet zone the site.

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

Mrs. Tina McClellan and Mrs. Diana Sierra representing The Reserve at Cimarron Apartment Complex stated that they were concerned that there will be excessive noise and traffic leaving the proposed center, since Colorado Street was a two-lane road. Getting out of the street is difficult for the residents and the people that drop-off their children at the daycare facility since it's bumper to bumper traffic. She also stated that they were concerned on the noise level, even though staff mentioned that the daycare would be closed after hours, but the apartment residents, are there 24 hours a day.

Chairman Sheats mentioned that the access road to the site was on the west side of the property and the apartments were on the east.

Mrs. McClellan replied that the patrons would still use Colorado Street to get to Shary Road; she stated that currently the traffic from the movie theater use Colorado Street to get to Shary Road.

Mrs. Sierra stated that there's a lot of children in the apartment complex and they want to make it as safe as possible.

Mrs. McClellan also stated that they were concerned about the alcohol, they stated that the daycare would be closed after hours but they would still have the noise and the traffic at night.

Mr. Flores asked if the Planning and Zoning Department had a master plan as to what they would like to see in the near future developed on each property, like if there is a designated area only for ballrooms, offices, and apartments for example.

Mr. Zavala replied that there is no plan on paper that an events center would be here, planning and zoning with the help of the Future Land Use Map (FLUM) handle that. The FLUM designation for this area is General Commercial. He also stated that Colorado Street was currently not a fully paved collector street, since the Shin property was undeveloped.

Mr. Flores asked if there was discretion, where staff says that the proposal is not compliant with the area, or do they just present it to the board.

Mr. Zavala replied that staff has the latitude of recommending based on a frame of reference and the FLUM, where it would be determined if the proposal would be appropriate or not for the area. If it doesn't meet code for an events center, like if it's within 300' of a residence, a variance would be considered.

Mr. Flores stated that staff's opinions are important in many ways to help the board make decisions on the item.

Mr. Zavala replied that staff appreciates the confidence, but at the same time the board can override staff's recommendation. He stated that as far as the noise situation, staff's frame of reference is that there have been other approved events centers 20' away from single family residential neighborhoods. This events center is actually further away from the apartment complex. That's one of the reasons why staff felt comfortable in recommending waiver to that particular code. He also mentioned that as far as traffic coming out, is single lines from Shary to Taylor Road on Colorado, which is great because if it wasn't it would be more difficult to exit out. He stated that the area was not fully developed and as staff has done in other areas, they are trying to fit this piece of the puzzle, putting one piece at a time.

Mrs. Sierra stated that incoming traffic uses Colorado to go to the McAllen area or to the Mission area, therefore it is a well travel road. She also stated that they received the notice on the previous Monday and if she had known she would have obtained signatures from the tenants.

Mr. Vela asked if the zoning of the properties on the east and west of the apartments were commercial.

Mr. Zavala replied that to the east was AO-I, since the area was undeveloped and to the west he wasn't sure but it probably was C-3.

Chairman Sheats mentioned that the predominant land use for the area was General Commercial.

Chairman Sheats asked if the applicant or representative were present.

Mr. Everardo Sustaita stated that to answer some of the concerns about the traffic especially when dropping off or picking up children from school. He stated that he also asked staff from the Planning and Zoning about the street and he was informed that there was no plan to expand until the owner of the property on the south develops. He mentioned that it was ideal to have a hotel next to them and that he had talked to the hotel owner and they liked the idea since the hotel had a very small social events room that sits 50 people only. Mr. Sustaita mentioned that

when he talked to the hotel owner he was pleased to have an events center next to the hotel, since social events bring people from out of town and they could stay in the hotel.

He stated that the building would be sound proofed. He mentioned that if anybody had been in the Cimarron Events Center they probably noticed that there were several houses very close by; and if your on the side of the building you won't be able to hear the noise. He mentioned that the building would be in the middle of the property but it could be relocated further to the west.

Mrs. Caudle asked if it could be closer to the Holiday Inn?

Mr. Sustaita replied that they could relocate it to make sure that the neighbors wouldn't be disturbed. He stated that for access, the road is proposed to connect to Wal-Mart and the Holiday Inn. He mentioned that Holiday Inn didn't mind if the patrons use their access road to get to Shary Road.

Chairman Sheats stated that he believed it was too premature to make assumptions on the area since no plat had been submitted. He mentioned that he was happy to hear that the applicant was willing to relocate the building to the west.

Chairman Sheats mentioned that the area being predominantly C-3, he couldn't see not approving the CUP for the Sale of Alcoholic Beverages; he did mentioned that the property did not comply within the 300', but the board has approved this regularly for other businesses. He stated that the applicant would have to buffer all the sides of the property at least on the east of the property next to the apartment complex. He mentioned that the owner is doing everything he can to fit in the area and it was one of those things where you have commercial next to apartments.

Mr. Flores asked what was the purpose of the 300' waiver?

Chairman Sheats replied that all it states that all liquor is bad and that you shouldn't have children and churches near places where they sell it.

Mr. Flores wanted to know the circumstances that would allow this waiver request, since the requirement was approved for a reason.

Mr. Zavala replied that even if they flip or relocate the building to the west, (which will be less visibility to the suites to the east, which would be open more frequently), he stated that he didn't like that idea. He mentioned that the owner was trying to work with the site plan in reversing the concerns about noise. As far as the 300', they are measured from property line to property line.

Mr. Flores stated that it wouldn't make a difference if the owner moves the building to the west.

Mr. Zavala replied that this was not the first time that the board sees this type of scenario, which is why the waiver was there for P&Z to recommend, ultimately the Council determines if to approve or not. He stated that all the situations were not the same and P&Z has seen some that are closer separation wise than this scenario. Juancho's (college night spot) on Inspiration and Griffin Parkway, which is 20' away from a residential area, is an example of this. Staff has never seen or heard these residents complaining that it was too loud. He stated that the applicant follows a proper construction code, including sound insulation. There shouldn't be a major issue, but if there were, the owner would be shooting himself in the foot.

Chairman Sheats mentioned that recently the board approved one of these facilities with an open area on FM 495 and Stewart, which is across the alley from a residential area.

Mr. Zavala replied that the conditional use permit was recent and that it belongs to Mr. Aaron Balli, which would be an open events center on the SE corner of Stewart and Griffin Parkway where on the other side of the alley he would be having a wall and there would be a substantial opening from the wall to the ceiling, which will be a nice scenario. He stated that he spoke with Mr. Balli last week and he informed him that he would make it or break it based on noise, and that is usually the scenario with all events centers.

Mr. Flores stated that both of the examples given by Mr. Zavala were located off of a major highway and that was probably why the waiver was there, but what was on the table was a new development from scratch, where there's an existing concern. If there was an existing building in this same site and Mr. Sustaita was just taking over it would be something different. The board has the ability to say that this is not a good location for an events center, maybe the applicant can propose another type of business or more apartments.

There being no further discussion, Mr. Flores moved to deny the item. Mrs. Caudle seconded the motion. Upon a vote, the motion passed 5-1 with Mrs. Marin dissenting.

Started: 6:07 p.m.

Ended: 6:14 p.m.

ITEM # 1.9

Conditional Use Permit:

**Portable Building for the Sale of Sno-Cones
501 N. Inspiration Road
Lot 61, Georgeanna Estates Subdivision
C-3
Life of Use
Oscar Madrigal**

Mr. Salinas went over the write up stating that the stand is located on the NW corner of Alberto Treviño Drive and Inspiration Road. The 10' x 12' stand has been

on the site since 2000 and was previously used as a Taqueria. Since the Taqueria has been relocated to a suite next door, the stand has been left dormant. The owner now wishes to re-open the stand for the sale of snacks and sno-cones. The site has access to Inspiration Road from an existing 30' driveway. The portable building is equipped with its own restroom facilities.

- **Days/Hours of Operation:** Everyday from 10:00 a.m. to 8:00 p.m.
- **Number of Employees:** Only 1 person will be operating the stand.
- **Parking:** The stand requires a minimum of 4 parking spaces. There are a total of 42 common parking spaces shared with 6 other suites.
- **Signage:** Must comply with the sign code. (There is an existing non-conforming portable arrow sign that needs to be removed, prior to business license issuance). There are also several banner signs that are legal, however will need to be removed after 30 days via prevailing sign codes.
- A business license is required.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new business, **2)** remove the non-conforming portable arrow sign and others via sign code's guidelines, and **3)** must acquire a business license, prior to opening.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Oscar Madrigal was present to answer any questions from the board.

Chairman Sheats mentioned that he had an opportunity to speak with Mr. Madrigal about the recommendations and that he was willing to comply but he would like to request it for a longer period of time.

Mr. Madrigal stated that the portable has been there for over 10 years and was wondering why staff was asking for this type of permit now.

Mrs. Marin stated when a building changes owner or if it changed the type of business, then the CUP would be required. She also asked that what Mr. Madrigal's intentions were on the empty section in front of the portable building.

Mr. Madrigal replied that he was thinking of putting brick.

Mrs. Marin asked if he could install some landscaping so that it would look attractive to the public.

Chairman Sheats asked if the applicant was willing to install additional landscaping.

Mr. Madrigal replied that he didn't agree.

Mrs. Caudle stated that he needs to, since there wasn't any.

Mrs. Marin explained to Mr. Madrigal that the board would like to see additional landscaping in front of the portable building.

Mr. Madrigal stated that there was existing landscaping on the east side of the plaza.

Mr. Marin stated that the board would require additional landscaping in front of the portable.

After a brief discussion, Mrs. Marin moved to approve the item as presented by staff and adding more landscaping to the property. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:14 p.m.

Ended: 6:17 p.m.

ITEM # 2.0

Conditional Use Permit

Renewal:

Daycare in an AO-I Zone

121 E. 2 Mile Road

**West 75' of the East 902' of the South 105'
Lot 29-7, West Addition to Sharyland Subd.**

AO-I

Life of Use

Yesenia Treviño

Mr. Salinas went over the write up stating that the this CUP was previously approved by P&Z on 9/9/09 for 1 year after the business license was issued. The business license for Ready Set Learn was issued on 4/16/10. Since the applicant does not reside at the home, one requirement is to obtain 90% signatures of approval from the surrounding property owners within a 200' radius.

There was another condition that was included in P&Z's action, which required closing of the residential driveway along 2 Mile Road in order to comply with the marginal street accessibility portion of the subdivision code. The applicant was given the opportunity to retain the driveway for 1 year. However, since Mile 2 was widened and has more traffic at higher speeds, the closing of the AO-I driveway is recommended to ensure the safety of the applicant and those traveling along Mile 2. Closure would mean the reconstruction of 2 Mile's curb and gutter (approx. 10' to 12'). Staff recommended approval subject to the closure of the driveway off of Mile 2, and a 1-year re-evaluation.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Yesenia Treviño asked if the board could approve the conditional use permit for a longer period of time.

Mr. Zavala replied that since they would need to meet the requirements, staff would need to see it within one year and if everything is complied with maybe the following year approval could be for a longer period of time.

There being no other comments, Mrs. Marin moved to approve the item as presented by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m.

Ended: 6:26 p.m.

ITEM # 2.1

Conditional Use Permit

Renewal:

Sale and On-Site Consumption of Alcoholic Beverages in a Party Hall

1907 W. Griffin Parkway

Lots 1-4, Southern Oaks, Ph. I Subdivision

C-3

Life of Use

Gonzalo Arevalo Jr.

Mr. Salinas went over the write up stating that the subject site is located 500' west of Inspiration Road along the south side of Griffin Parkway. The site had been remodeled and opened as a Banquet/Party Hall for such activities as weddings, reunions, birthday parties, seminars, etc. This CUP was approved by P&Z on 4/15/09 with a 1-year re-evaluation after business license issuance. The business license was issued on 2/1/10. The building is 7,200 sq.ft. of which 600 sq.ft. is used as a dance area and 300 sq.ft. is used for the band or DJ.

Parking: Typically, parking reflects a need of 63 parking spaces (1 space per 100 sq.ft.). There are a total of 114 parking spaces held in common at this development. Most activities are held at later hours and on weekends, when most businesses at this development are closed. Staff has not received complaints regarding parking issues; however, to assure close monitoring of the parking, annual evaluations should continue as commercial infill occurs.

Days/Hours of Operation: For the most part, these events typically take place during evening hours from about 7:00 p.m. to 2:00 a.m.

Landscaping and Sidewalks: During the approval 4/15/09, P&Z required 4 shade trees and the installation of sidewalks along Griffin Parkway, however they were not installed. Staff is requiring that these items be installed/escrowed within 30 calendar days, if completed within this time frame we can re-evaluate the dance hall in April 2012.

Such uses need to be 300' from residential and Institutional (church) areas. There is a residential subdivision within this radius; thus a waiver of the separation requirement needs consideration. P&Z and City Council had previously approved a waiver for this CUP in its original approval. P.D. has confirmed that since it's opening, no calls have been received from this address to date.

With no incidents occurring since its opening, Staff recommended approval subject to: **1)** installation/escrow of sidewalks and 4 shade trees along Griffin Parkway within 30 days, **2)** a 1 year re-evaluation, and **3)** waiver of 300' separation requirement.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. Gonzalo Arevalo was present to answer any questions from the board.

Chairman Sheats stated that staff was only recommending approval for 1 year due to the lack of sidewalks and landscaping. He asked Mr. Arevalo if he was willing to comply with the requirements.

Mr. Zavala stated that the sidewalk would need to be escrowed since FM 495 was not fully developed and it belongs to TXDOT.

Mr. Arevalo replied that he would comply with everything.

Chairman Sheats stated that the additional sidewalks and landscaping would need to be completed or escrowed within 30 calendar days.

Mr. Flores asked why in the past 3 years the landscaping hasn't been installed. He also asked if the City of Mission had Code Inspectors that would be able to check on these types of issues. He stated that the applicant has an obligation to comply with the requirements that the Planning and Zoning Commission imposes on each item.

Chairman Sheats stated that they do.

Mr. Flores mentioned that he wouldn't have any problems approving the request, but to make sure that the landscape and the sidewalk were installed or escrowed within 30 days.

Chairman Sheats stated that if it weren't done within 30 days the CUP would be void.

Mrs. Caudle stated that the landscaping was not mandated by TXDOT, so therefore it would need to be installed within 30 days.

After a brief discussion, Mrs. Caudle moved to approve the item as presented by staff and installing the landscaping and escrow the sidewalks within 30 days. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:26 p.m.

Ended: 6:27 p.m.

ITEM # 3.0

Discussion and Action to Consider Amending the Sign Ordinance on Changeable Copy Signs Requiring a Conditional Use Permit and/or Intervals Between such Signage

Mr. Salinas stated that staff would like for the board to place this item on the Table since they would need to have a workshop prior to making a decision on the item.

There being no comments, Mr. Flores moved to 'Table' the item as presented by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:27 p.m.

Ended: 6:28 p.m.

ITEM # 4.0

Tabled: Request for Variance from the Subdivision Ordinance Not to Require Platting on a .45 acre tract out of Lot 172, John H. Shary Subdivision for Mr. Guadalupe Ramirez

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

Mr. Zavala stated that management has approached Planning wherein we have been informed that management is exploring other avenues to hopefully resolve this matter. In that regard, staff recommends 'No Action' on this item.

No Action was taken on the item.

ITEM # 5.0
ADJOURNMENT

There being no further items for discussion, Mrs. Caudle moved to adjourn the meeting. Mr. Lopez seconded the motion. Upon a vote, the meeting was adjourned at 6:29 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission