

PLANNING AND ZONING COMMISSION
MAY 28, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Rene A. Flores
Ned Sheats
Mario Garza
Carlos Lopez
Marisela Marin

P&Z ABSENT

Abiel Flores
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Patricio Martinez
J.J. Rodriguez
Susana De Luna
Irasema Dimas

GUESTS PRESENT

Opal Billman
Narce Flores
Jose M. Martinez
Olga Anguiano
Moises Anguiano
Rene Garza
Hector Castro

Guadalupe Salinas
Nohemi Young de Martinez
Cristina Anguiano
Alejandro Castro
Ariana Anguiano
Teresa Garcia
Dalia Garza

Yolanda Garza
Irene Garza
Gloria Bocanegra
Laura Martinez
Ida N. Garza
Juan Garcia

CALL TO ORDER

Chairman Rene A. Flores called the meeting to order at 5:02 p.m.

CITIZENS PARTICIPATION

Chairman Rene A. Flores asked if there was any citizen's participation.

Mrs. Opal Billman from 301 N. Shary Road asked if the City has copies of surveys of the lands in the City of Mission.

Mr. Daniel Tijerina replied that we do have information for some tracts but not for all of them.

Chairman Rene A. Flores asked if Mrs. Billman was looking for a specific tract.

Mrs. Opal Billman replied that she was looking for Lot 184, John H. Shary, because they built a strip mall and she would like to know the measurement.

Mr. Daniel Tijerina stated that those records were public, but that she would need to fill out a public information request form in writing.

Mrs. Opal Billman stated that she does not want any more developments along Selena Street.

Chairman Rene A. Flores asked that if any developments were to be done along Selena Street, being that she is the owner, if she would get notified.

Mr. Daniel Tijerina replied that she would get notified.

Started: 5:10 p.m.

Ended: 6:02 p.m.

ITEM #1.1

Rezoning:

**TRACT 1: The E. 1 ac. of the W. 9.28 acres out
Of a survey of 35.71 ac. out of the S. ½ of Lots 15-7
& 15-8, W.A.S. (AKA Tract/Lot 38, Melba Carter
Subdivision U/R) and**

**TRACT 2: The S. 411.4' of the E. 1 ac. of the W. 10.58
Ac. out of a survey of 35.71 ac. out of the S. ½
Of Lots 15-7 & 15-8, W.A.S. (AKA a portion of Tract /
Lot 39, Melba Carter Subdivision U/R)
R-1 to C-4
Noe Abdon Olvera**

Mr. Daniel Tijerina went over the write up stating that the site is located approximately 750' east of Conway Blvd. along the south side of Melba Carter.

SURROUNDING ZONES:

- N: C-3 -General Commercial
- E: R-1 -Single Family Residential
- W: C-3 -General Commercial
- S: I-1 -Light Industrial

LAND USES: There seems to be a business to the north, residential structures to the west and east; and a heavy machinery storage yard to the south. The subject site appears to be empty for the most part, but does have some metal awnings from what could be seen from Melba Carter.

FLUM: The Future Land Use Map shows this area as an Industrial (I) land use designation. The area currently has a mixture of uses ranging from industrial and commercial uses to residential homes.

REVIEW COMMENTS: The Melba Carter area is slowly transitioning from residential to commercial/industrial uses. P&Z has approved other commercial zones within the same area and a C-4 zone would help continue the transitioning process to commercial/industrial. Finally, the Future Land Use Map also states that this area should be converted to industrial, where C-4 (Heavy Commercial) would be a closely related use.

RECOMMENDATION: Approval.

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

Being that there were several people present in opposition to the request, Chairman Rene A. Flores asked them to raise their hands.

A show of hands indicated that 10 residents were against the request.

Mrs. Irene Garza from 308 Melba Carter stated that she lives 2 or 3 lots away from the properties in question and that the rezoning affected her neighbor more. She stated that she had questions and concerns since the letter stated that it was going to be heavy commercial.

Mrs. Irene Garza stated that her concerns were noise and traffic since there are always children playing and people outside.

Chairman Rene A. Flores asked if her concern was more like traffic safety?

Mrs. Irene Garza replied 'yes'.

Chairman Rene A. Flores mentioned that there already properties within the subdivision zoned commercial.

Mrs. Irene Garza mentioned that most of the people that live there have been there all of their lives and they have seen that the city is moving closer to their residential properties. She stated that she would preserve her land as much as possible since she is the 4th generation that owns this land from her family. She also mentioned that with the rezoning in question.

Chairman Rene A. Flores asked Mrs. Irene Garza to state her questions.

Mrs. Irene Garza stated that she would like to know exactly what Heavy Commercial is.

Mrs. Nohemi Young de Martinez from 304 Melba Carter stated that she lives immediately next to the property in question, Lot 40. She stated that she has 3 kids that love to play outside and right now there is no fence. She asked what she was going to do with that type of machinery next to her property.

Chairman Rene A. Flores stated that they did not know yet if there is going to be any type of heavy equipment there since they had not heard from the applicant.

Mrs. Nohemi Young de Martinez stated that she had girls and once this Heavy Commercial establishment settles next to her property, she wouldn't feel safe because she does not know what type of people they are.

Chairman Rene A. Flores stated that Mrs. Martinez is assuming alot and he understands that she is trying to protect her family, but the truth is that they still don't what type of business the applicant is proposing.

Mrs. Nohemi Young de Martinez stated that right now the street is not in good shape and if they allow the property to become heavy commercial the vehicles will ruin the street and the city has not even resurfaced the street.

Mrs. Yolanda Garza from 308 Melba Carter stated that they need to stop allowing people to construct businesses along this neighborhood because there were several people that recently build their homes there. She mentioned that if the city continues allowing businesses along this neighborhood, the property values will devalue. She stated that the neighbors will oppose any type of business within their neighborhood.

Mr. Jose Martinez from 304 Melba Carter stated that he had a nice home on a 1 acre lot with a long driveway and if the heavy commercial is allowed it would damage his driveway and impede the kids from playing outside or on the street. He stated that it would also create more traffic. He also stated that they should install speed limit signs, since the semi-trailers don't respect that it is a residential neighborhood. He mentioned that property owners were not notified when Carmona's business was going to be established otherwise they would have had opposed it too.

Mrs. Teresa Garcia from 303 Melba Carter stated that she was concerned with the kids' safety, especially since her daughter likes to play on the street and ride her bike. She mentioned that she was also concerned with the deterioration of the street and damage to the existing residential properties. She also mentioned that they have drainage problems and sewer backups. She finished by saying that almost all the neighbors walk along the street and they actually need sidewalks.

Mr. Hector Castro from 305 Melba Carter stated that he shared the same concerns as the previous owners and was wondering what type of equipment they were going to bring in. He stated that he lives right next to where they were going to build the church and they were not notified and he was wondering why.

Chairman Rene A. Flores stated that he would need to check with Planning Staff.

Mr. Castro's wife stated that if they approve the rezoning and the trade zone moves within their neighborhood, then their taxes will go up.

Chairman Rene A. Flores stated that that was natural for a city as it grows and it starts developing businesses then the property taxes will be increased in order to pay for police, drainage, street improvements, etc.

Mr. Castro's wife stated that they have lived there for over 15 years and they have never seen any street improvements done.

Chairman Rene A. Flores stated that that was a different issue and that the main issue was to see the reason why the property owners were against the rezoning and now the board knows those reasons, mainly being traffic safety, security, and drainage.

Mr. Castro also stated that every time that it rains or there are high winds their electrical power goes down.

Chairman Rene A. Flores stated that if someone wants to build a commercial building those are things that he or she needs to look at and more than likely upgrade them in order to work efficiently.

Mrs. Dalia Garza asked what type of businesses Heavy Commercial would allow.

Chairman Rene A. Flores stated that that question had already being asked.

Mrs. Dalia Garza replied that it hasn't and if it did, they haven't answered it.

Mr. Ned Sheats stated that in order to answer all their questions they need to move ahead with the meeting.

A citizen from the audience asked what the technical definition of Heavy Commercial was.

Mrs. Dalia Garza stated that current traffic goes to the Expressway not the residential area and if they approve this rezoning it will go more towards the residential traffic within the neighborhood.

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

Mr. Daniel Tijerina stated that Mr. Olvera was not present due to his job, but Mr. Guadalupe Salinas would be speaking on Mr. Olvera's behalf.

Mr. Guadalupe Salinas stated that the type of business that they have is striping of the roads and parking lots. The business is like a contractor business and the only thing that they would be using the property for storing trucks and equipment, and probably in the future build a shop. The heavy equipment would be mid-size trucks that they use is like the semi-trucks that deliver materials.

Chairman Rene A. Flores stated that he had a question for staff since they are talking about bringing more businesses to the area, we heard complaints about the street, lack of sidewalks, and sewer backups and he was wondering what type of improvements the city is planning on doing to the neighborhood in order to help the existing businesses and future businesses as well as the residents.

Mr. Daniel Tijerina explained that a couple of years back MEDC considered purchasing all the homes from Earnhard Subdivision and making them part of the industrial park area. The FLUM shows that all of that area is designated for industrial purposes and this maps helps us to plan ahead. He stated that as far as the concerns such as potholes, no repairs of the streets; he mentioned that he would notify the Public Works Director Mr. Roberto Salinas about those concerns.

He also mentioned that one of the Deputy City Manager's, J. J. Rodriguez, was present in the audience and has been listening to all the neighbors' concerns as far as signage, sidewalks, and we can look at what can be done. He stated that he was not promising that all those

improvements are going to be done because he doesn't have that capability, but the concerns and the minutes will be forwarded to the City Manager and City Council to see what the City can do in order to help the neighborhood.

Mr. Daniel Tijerina stated that the only reason why Mr. Olvera's request was not for C-3 was because C-3 does not allow for a contractor's yard. If the Planning and Zoning Board wants they could rezone it for C-3 and then Mr. Olvera would need to come back and apply for a conditional use permit to have a contractor's yard.

Chairman Rene A. Flores asked what the difference between Industrial and a C-4 was.

Mr. Daniel Tijerina replied that C-4 is more like what we have along the Expressway and whenever there is a property adjacent to the railroad it permits anything from a C-1, being from Office Buildings all the way to contractor's yard, and Industrial permits anything from Manufacturing and everything else including warehousing, etc. He stated that the City of Mission has a total of 19 zoning districts and in each district has permitted, prohibited, conditional and there is an outline requirements, setbacks, and parking requirements.

He stated that in reference to their concerns about the sidewalks and resurfacing of the street, the property owners might consider submitting something in writing to the City in order to present it to the City Council so that they could consider installing some of those improvements within the subdivision.

Mr. Daniel Tijerina explained the process if the board were to approve a C-3 zone instead of the requested C-4 zone.

Mr. Ned Sheats stated that in his opinion the FLUM particularly in this area is incorrect against the city expansion; to clarify, he mentioned that they cannot tell all the residential property owners and tell them that because of the FLUM that's the way it has to be. He mentioned that there was a lot of houses and families that have been there for a long time and this is not a case where you have houses here and there but most of the east of the subdivision is all residential. In this case the P&Z cannot make a determination based on the FLUM, because they cannot know exactly when all the subdivision would go to Industrial; it could take 30 to 40 years, since the city is not growing that fast. In his opinion the board should be able to approve the C-4 zone requested but with requirements like extensive buffering, installation of a green area something between this residential area and commercial, the city should be able to close Melba Carter to the west stating the dividing line between commercial and residential and that all commercial traffic should stay to the west in order to maintain the neighborhood safe of commercial traffic. He stated that the City should do as much for the existing residential properties as for the existing and future commercial properties within this subdivision.

Mr. Daniel Tijerina stated that a rezoning cannot be approved with conditions, but those conditions, such as buffering, landscaping, and dumpsters that are screened could be addressed during the building permit stage. He mentioned that there was another alternative, if the Board wants they could consider approving a C-3 and have the contractor come back

with a conditional use permit and that way the board could have more control of the contractor's yard element.

Mr. Ned Sheats stated that he disagreed with Mr. Tijerina, because there was another alternative that the board could consider placing the item on the "Table" or deny it.

Chairman Rene A. Flores stated that what Mr. Sheats was saying was that the board needs to take a different approach on this item in order to help the people that have live there for many years and none of the solutions or options, that Mr. Tijerina had mentioned fit into the category of what Mr. Sheats' wants to be done in order to help these people. He stated that they would like for the city to accommodate the necessities of the citizens by installing a wall to divide the commercial from the residential properties.

Mr. Daniel Tijerina stated that he would like to apologize to Mr. Sheats for misunderstanding his request.

Mr. Sheats stated that the requirements that he was suggesting were more for the city than the applicant, because he has the right to have a business on his property as well as the residential property owners have the right to have their homes there. He stated that in his opinion the board should table the item until staff could find out if the city could provide buffering and impede commercial traffic to travel to the residential part of the subdivision.

Mrs. Marisela Marin asked how long had the subdivision been established.

Mr. Daniel Tijerina replied that it has been there since the 40's.

Mrs. Marisela Marin stated that she agrees with having Industrial for the area, but the city cannot just bombard the home owners especially because they have been there for a long time.

Chairman Rene A. Flores stated that he would like to see other options and he believes that this item needs to be looked at very carefully and asked Mr. J.J. Rodriguez, Deputy City Manager, to help out with the citizens' concerns.

Mr. J.J. Rodriguez stated that he could definitely do that and one of the things that he would like for the Planning Department Staff to do is revisit the FLUM historically to see what has transpired through the years, and like Mr. Sheats said looking at the future this might take 20 or 30 years in the making or MEDC might have a change of mind. One of the things that they could look at it would be checking the established pattern towards the west side of the subdivision considering not a C-4 but a C-3 and leave a status quo to the east since the prevailing land use is residential or vacant.

After a brief discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to 'Table' the rezoning in order to give Staff the opportunity to see what improvements could be done in order to help the neighborhood. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:02 p.m.

Ended: 6:16 p.m.

ITEM #1.2

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic Beverages – Areli’s Celebration Hall
1905 W. Griffin Parkway
Lots 1-4, Southern Oaks, Phase I Subdivision
C-3
Daisy A. Vela**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 500’ west of Inspiration Road along the south side of Griffin Parkway. There is a portion of an existing 7,200 sq.ft. building that is currently being used as a Banquet/Party Hall for such activities as weddings, reunions, birthday parties, seminars, etc. that does not offer sale and on-site consumption of alcohol. The current operator of the hall will not be renewing his lease and a new applicant is now proposing to open the banquet hall, however with the sale and on-site consumption of alcohol.

Hours of Operation: The business will open on Fridays & Sundays from 6 p.m. to 12 a.m. & Saturdays from 6 p.m. to 1 a.m.

Parking: In viewing the floor plan there are 16 tables being proposed. Assuming that 10 seats are proposed per table, 53 parking spaces are required for the hall (160/3 seats = 53.3). There are a total of 114 parking spaces held in common at this development. Since activities are proposed to be held at later hours and only on weekends, when most businesses at this development should be closed, Staff does not believe that there will be any complaints regarding the number of parking. However, Staff has received complaints regarding the lack of parking lot lighting at the site. Since this business operates primarily at night, Staff is highly recommending the installation of parking lot lighting in order to avoid any incidents.

Landscaping and Sidewalks: During the approval of a similar CUP for this site back on 4/15/09, P&Z required 4 shade trees and the installation of a sidewalk along Griffin Parkway, however they were not installed. Since this has been an on-going problem at this particular site and the previous applicant, Mr. Gonzalo Arevalo, is still the same owner of the building, Staff is recommending that these items be installed/escrowed prior to further processing of this CUP. The landscaping must also be irrigated and maintained as required by our landscaping ordinance.

Sale of Alcohol: Such uses are required to be 300’ from residential uses. There is a residential subdivision within this radius; thus a waiver of the separation requirement needs consideration.

REVIEW COMMENTS: For the most part this proposal should not be a major concern, since this site has been used as a dancehall for several years without incident. However, there are a few issues that need to be dealt with prior to authorizing this CUP.

RECOMMENDATION: Staff is recommending tabling or not allowing this item to proceed to City Council until the owner installs sidewalks, landscaping, and parking lot lighting or combinations thereof to the site.

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.

Mr. Eduardo Martinez stated that he was representing his wife Daisy A. Vela.

Chairman Rene A. Flores stated that the sidewalks, landscaping, and parking lot lighting are requirements that staff would like to see been in place before the P&Z board actually approves the conditional use permit. He asked Mr. Martinez as to the time frame that he needs to do the improvements.

Mr. Eduardo Martinez stated that he is leasing the building and that he had talked to Mr. Arevalo and gave him a down payment in order to start the lease and the building has not been rented due to not starting the lease until July. He mentioned that he owned the property adjacent, Kids Time Party Center.

Chairman Rene A. Flores mentioned that then this is not his problem because he is just renting.

Mr. Eduardo Martinez stated that this was his problem because he had already gave Mr. Arevalo a down payment and that he told him that if the city was requesting sidewalks, lighting and landscaping it was up to him to install them. He mentioned that Mr. Bobby Salinas had gone to the site and that he had told him that on his property he will need to install sidewalks, which he will be installing within a month. He also mentioned that on his property he has 3 palm trees in the front and he tries to maintain the back of the property clean as well as the front. He stated that his intentions are to install a sidewalk on the back of his property in order not to look messy. On Mr. Arevalo's property he can only promise stuff that he can do, like keeping it clean, trimming the palm trees that looked like they haven't been trimmed in years. He said that he needed this property to look nice on the outside because it will represent what he will have inside.

He also stated that he told Mr. Arevalo the consequences of not complying with the city requirements on his own, that he will do them and not pay Mr. Arevalo rent; and that Mr. Arevalo told him to come and talk to the city and see what the city says, because he had already talked to Mr. Tijerina and that Mr. Tijerina had not approved the permit because Mr. Arevalo needed to go through the State to get the permit, which he believes was not accurate. He stated that it won't take more than a day to install a 4' or 5' sidewalk.

Chairman Rene A. Flores stated that that was just the sidewalk, but what about the other requirements.

Mr. Eduardo Martinez replied that on lighting, there are two lights attached to the building, which Mr. Arevalo never turns on, but he went to the roof and found that there were two lights hanging to the inside on each corner of the building, which he could use and install them in the middle of the building wall to light the parking lot.

Chairman Rene A. Flores stated that based on the comments from Mr. Martinez he would like to give him the opportunity to make the improvements but Table the item for about a month.

Mr. Eduardo Martinez stated that his only concern was that he has been in the party planning business for over three years and he has learned that in order to make money, you need time, and he already has 8 parties booked starting in the month of July.

Mr. Ned Sheats mentioned to Mr. Martinez that if he could ask Mr. Arevalo to be present in the next meeting, because it just infuriates him having people not caring for their business.

Mr. Eduardo Martinez stated that Mr. Arevalo knows what he needs to do because he is a contractor and he knows what's required.

Mrs. Marisela Marin asked if there was a waiver on the beverage situation.

Mr. Daniel Tijerina stated that he does not anticipate any problems since there was a waiver done in the past and there was a noise and buffer requirement.

Mr. Mario Garza asked if there have been any comments from the neighborhood.

Mr. Daniel Tijerina replied that staff has not received any comments in favor or against the request.

After a brief discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to 'Table' the conditional use permit as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:16 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission