

**PLANNING AND ZONING COMMISSION
JUNE 25, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene A. Flores
Ned Sheats
Mario Garza
Carlos Lopez
Abiel Flores

P&Z ABSENT

Marisela Marin
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna
J.J. Rodríguez
Anna Carrillo

GUEST PRESENT

Alondra Amezcua
Jose & Noemi Martinez
Irene Garza
Narce Flores
Yolanda Garza
Cita Garza Jimenez
Carolina Barrera
Flor Magallan
Fred Kurth
Herlinda Palacios
Olga Anguiano
Gloria Bocanegra

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was no response.

APPROVAL OF MINUTES FOR JUNE 11, 2014

Chairman Rene A. Flores asked if there were any corrections to the minutes for June 11, 2014. Mr. Ned Sheats moved to approve the minutes as corrected. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:53 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-3

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: The land uses reflect a business to the north, residential structures to the west and east; and a heavy machinery storage yard to the south. The subject site has 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 applicant had previously applied for a C-4 (Heavy Commercial) Zone, however he is now proposing a C-3 zone. This request is a more restrictive commercial zone than what he had previously proposed. (Examples of C-3 uses include: restaurant, office use, neighborhood commercial uses, car lot, etc.)

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores stated that he recalled the applicant mentioning wanting a contractor's yard but staff mentioned he needed a C-4 zone for that type of business.

Mr. Tijerina mentioned that he was proposing to have a striping business at this location, which there was another item on this same agenda packet for a conditional use permit for a contractor's yard in a C-3 zone.

Chairman Rene A. Flores stated that he recalled this proposal and the concerns expressed by the residents but was not sure if this item was tabled or un-tabled.

Mr. Tijerina stated that what happened was that it remained on the table twice and pursuant to the open meeting acts it falls off the table and it has to be brought again by the applicant and that was what he did but for a C-3 zone instead of the C-4 originally requested. Mr. Tijerina stated that in this case the City Manager, the Public Works Director, and he met with the residents that had a lot of concerns and they noted sewer being the biggest concern they had out there. He added that they talked about sidewalks, the fact that it's a community and since then the City has put up some speed limit signs, other traffic safety signs, cleaned all the right of way, and swept the subdivision for health & sanitation violations, junked vehicles, weedy lots. Mr. Tijerina added that the City was looking at installing a sidewalk on the south side of Melba Carter from Conway all the way to Mayberry for the use of the residents.

In continuing with the review comments the C-3 request is more restrictive than a C-4 zone and based on that information staff recommends approval of the C-3 zone. Mr. Tijerina stated that staff will be re-evaluating the FLUM in this area in order to change the current "I" (Industrial) Land Use Designation to GC from Conway Blvd. to the west to Lots 10 and 39 to the east. We may also be including the change of the remaining lots to LD. Mr. Tijerina mentioned that since we had to publish for this item staff was unable to place it on this agenda but it should be forthcoming to P&Z and City Council.

Chairman Rene A. Flores asked why the rush for considering this item, why not wait until the future land use map gets amended because to him there were still a lot of maybe's and he would like to know exactly what is going to happen before the Board considers this item. Mr. Flores mentioned that he would like the residents to be aware of the changes the City is proposing.

Mr. Tijerina stated that one of the concerns he recalled was the possibility of having the street divided by a cul-de-sac to separate the existing commercial from the residential uses to the east and that would require City Council approval because Melba Carter is a through street and public road. He mentioned that in his opinion he would think the residents would like to have access to Conway he didn't think they would like it stop there and then have them wrap around Melba Carter. In essence, if the recommendation is to deny the rezoning the existing commercial would still remain.

Chairman Rene A. Flores asked if there was any public opposition to the request. He stated that he would like to hear as far as what conversations took place, about the sweep they did on the neighborhood, and if they came to any agreements.

Mrs. Irene Garza who resides at 308 Melba Carter Street stated that she didn't think closing off Conway would be a good idea for emergency purposes like the fire engine or ambulance because the closest fire department is on 1st Street and that would endanger their lives. Mrs. Garza mentioned that most of them had a meeting as a neighborhood and some of the concerns mentioned were: the endangerment of children with increased traffic flow and that is putting everybody lives in danger. They also have the bus stop right in front of the area in question, which will place children at risk with strangers and heavy traffic flow. She mentioned that she understands that there are some commercial businesses that have been there for years but Carmona's business has not been there for as long as she has being living there and she could assure that. Mrs. Garza mentioned that she has lived in that residence for 37 years and they had roots in their residency and the City cannot just try to dismiss that.

Chairman Rene A. Flores stated that he didn't want Staff or P&Z to be misunderstood because they are just doing a job in presenting the item and the applicant's proposal.

Chairman Rene A. Flores stated that a low density FLUM designation allows you to actually protect the existing neighborhood to keep it intact and it also gives you a reassurance that nobody else would come in to an empty lot an build anything commercial.

Mrs. Garza stated that they wanted to keep the proposed site residential they don't want any commercial. Mrs. Garza read all the concerns the neighborhood had from exhibit "A".

Chairman Rene A. Flores stated that some of her concerns were complaints that she can address to staff or a Code Enforcement Officer and if they are in violation, the City will ask them to comply now if they don't then other measures would be taken.

Mrs. Garza mentioned that she would get with the City on those concerns. She added that the streets were not constructed for commercial heavy flow.

Chairman Rene A. Flores stated that he understood that she would imagine the worst case scenario but this Board wants to come to some sort of agreement and come to a middle point so that all concerns are addressed and at the same time the applicant is able to understand what he/she is applying for.

Mr. Abiel Flores mentioned that one of the concerns was the heavy machinery equipment with the current industrial zoning the property could they still do what they were proposing without having to rezone the property.

Mr. Mario Garza stated that the property was not zoned industrial it was zoned residential.

Mr. Tijerina stated that the property was currently zoned R-1 (Single Family Residential) and the applicant is proposing C-3 (General Business). He added that the Future Land Use Map indicates that anything in that area could be industrial. The FLUM is a tool that the City uses when making a recommendation on a rezoning. The City is proposing to present an amendment on July 9th and if approved, the City Council will take action on July 28th then the new designation would be LD, which would be for single family residences that would protect the rest of the neighborhood. Mr. Tijerina stated that since the conditional use permit request for this particular site was in the same agenda he suggested tabling the rezoning and going to the conditional use permit so that the Board and the residents could get more information on the type of machinery and equipment the applicant was proposing for this site. He added that once the Board has heard all the information then they could take action on the rezoning and conditional use permit.

Mr. Tijerina stated that as far as the truck traffic concern staff could take it to the Traffic Safety Committee Meeting and talking to Public Works to place "No Thru Truck Traffic" signs in the existing commercial zone. He mentioned that these signs would help with commercial traffic because they would have to go in and out of Conway and not into Melba Carter. Mr. Tijerina stated that the Police Department could enforce this. Mr. Tijerina stated that in regards to closing off the street he only mentioned it because it was brought up but it was not something staff would recommend because Mrs. Garza was right the nearest fire station was on 1st Street and all of those services like police, fire, and ambulance services would be hindered that was the reason he mentioned it would have to go through the City Council.

Chairman Rene A. Flores stated that he just wanted Mrs. Garza to understand that this was the City's way of trying to ease the concerns and work with both the residents and the applicant.

Mr. Ned Sheats stated that he would take responsibility for closing this item and letting staff go to the conditional use permit to get more information.

Mrs. Garza stated that even if he closes the item they are still opposing the conditional use permit.

Mr. Ned Sheats mentioned to Mrs. Garza that this was a very good case she is getting believe it or not what she wants but she had to let staff and this Board work through the legal way of getting it because by changing the Future Land Use Map she was already at 51% there. He added that the only thing he would like for staff to do is while this is in transition was to 1) put a speed bump to slow down traffic, 2) move the bus stop to a different location, and 3) parking that they are complaining about. Mr. Sheats stated that these 3 things needed to be taken care off before this Board could even consider the amendment of the FLUM. Mr. Sheats stated that this Board was trying to work step by step to try to get the neighborhood as much as they can fully realizing that even though the person that bought this property bought it with no guarantees this would get approve. Mr. Sheats asked Mr. Tijerina what the Board would need to do in order to consider the CUP.

Mr. Tijerina stated that they could either act on the rezoning or temporarily place it on the table.

Mr. Ned Sheats moved to temporarily Table item 1.1 and go to item 1.3 as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

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 passes unanimously.

Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats stated that since all the items had been addressed he made a motion to approve the rezoning from R-1 to C-3. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Ned Sheats asked Mr. Tijerina if the Board could act on Item 1.3 the conditional use permit.

Mr. Tijerina replied, "Yes".

Started: 5:57 p.m.

Ended: 6:00 p.m.

ITEM #1.2

Rezoning:

**A 2.236 acre tract out of
Lots 195 & 205,**

**John H. Shary Subdivision
AO-I to C-3
Sharyland Developers, LLC**

Mr. Daniel Tijerina went over the write-up stating that the site is located approximately 450' north of E. 4th Street along the east side of Shary Road.

SURROUNDING ZONES: N: C-3 – General Commercial
E: R-1 – Single Family Residential
W: C-4 – Heavy Commercial
S: AO-I – Agricultural Open Interim

LAND USES: The surrounding land uses consist of open acreage to the north & south, a farm equipment business to the west, and a residential subdivision to the east. The subject site is currently open acreage.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Rd. frontage.

REVIEW COMMENTS: The subject property has been part of a commercial 'reserve' since the inception of the Shary Crossing's master plan. C-3 is consistent to area zonings along Shary, commercial area uses, and is fully compliant to the FLUM's GC designation.

RECOMMENDATION: Approval.

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.

Representing the applicant, Mr. Fred Kurth from Melden & Hunt was present to address any questions from the Board.

Mr. Ned Sheats asked if he knew what they wanted to do in that property.

Mr. Kurth stated that he was not allowed to say yet but they were going to like it.

Mr. Ned Sheats stated that he would like it better if it had nothing to do with the oil change place.

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

Started: 5:03 p.m.

Ended: 5:57 p.m.

ITEM #1.3

Conditional Use Permit:

Contractor's Yard on property zoned C-3

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)
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. If the C-3 zoning is approved, the applicant wishes to operate a contractor's yard for 'Valley Striping'. Valley Striping is proposing to place (2) 20' trailers, (8) flatbed trucks, (3) striping machines, and (3) 8' X 22' storage boxes on the site. A CUP is required for a contractor's yard to be placed in a C-3 zone.

- **Hours of Operation:** Monday – Saturday from 7a.m. to 7p.m. Closed Sundays
- **Staff:** 7 employees
- **Parking:** There are no plans to install any improvements to the site at this time. However, if the business is successful, Valley Striping will be submitting a plan to build a 2,500 sq.ft. shop along with the necessary paved parking, etc.

REVIEW COMMENTS: Since this portion of Melba Carter in the middle of a transition from residential to commercial uses, a contractor's yard seems to be a good fit in this area. In order for Staff to support this CUP, we will be requiring the following:

1. Pro-rata share for the sidewalks along Melba Carter at \$12/L.F.
2. A minimum of five percent landscaping will be required with a combination of trees, plants, and shrubs. A minimum of three (3) – three (3') inch caliper trees are required to be planted along Melba Carter.
3. An 8' opaque fence buffer will be required adjacent to all residentially used/zoned properties.
4. There shall be security lighting installed to the site in order to prevent vandalism.
5. Clearing of the lot in order to give the area nicer appearance.
6. A 6' block fence buffer around the trash dumpster.
7. Obtain a business license

RECOMMENDATION:

Staff recommends approval for 1 year subject to items 1-7 above.

Mr. Tijerina stated that based on the previous public hearing, staff evaluated the concerns expressed by the residents and by the Planning & Zoning Commission. Since then, the Public Works Dept. has cleaned the right of ways, installed traffic safety signs, and will be installing a 4' sidewalk along the south side of Melba Carter from Conway to Mayberry. Code Enforcement has also swept the subdivision for Health and Sanitation, Junked Vehicles, and Weedy Lots.

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

Mrs. Irene Garza who resides at 308 Melba Carter stated that she would like to oppose the conditional use permit. She asked the Board what type of information they needed to provide to get this request denied.

Chairman Rene A. Flores stated that by her coming to his meeting and expressing her concerns she is letting the Board know that they are opposing the request.

Mrs. Garza stated that she had already mentioned that they shared the road with the people from Carmona's business and how they have to share it with the trailers flatbeds the roads are not wide enough. Mrs. Garza showed some pictures of the street and the vehicles parked on the street.

Mrs. Aida Garza who resides at 308 Melba Carter stated that she was also in opposition. She added that the City has been working on the road but they have not finished. She also stated that the hydrant has not been cleaned, there is street damage, businesses don't have a place to park, they park on the street, and it's very hard for emergency vehicles to go in and out.

Mrs. Irene Garza stated that they just wanted to stop any commercial activity in the area. She added that they had picked up signatures of the residents in the neighborhood that were not able to come to the meeting but were in opposition. She mentioned that they collected about 25 signatures. She added that she understands that they were now requesting a C-3 zone with a conditional use permit but it remains the fact that it is still a C-4.

Mrs. Narcedalia Flores who resides at 306 Melba Carter stated that the reason they were opposing was because they live close to the river and she goes to work at 4:00 a.m. and every morning that she goes out there are illegals coming from the back or front of the road. She mentioned that if they put a block fence on the property this would be a hide out for them. She understands the City wants progress but this area is residential and they would like to keep it that way. She added that another concern she had was in regards to traffic.

Mrs. Aida Garza stated that they are going to be using chemicals to pave the street, this could cause health problems what happens to the people that are already sick because those chemicals would be dumped or stored in that property.

Chairman Rene A. Flores stated that he believed that those chemicals had to be properly maintained.

Mr. Aida Garza stated that still those concerns needed to be factored. She also mentioned that they are proposing to work Monday through Saturday from 8 a.m. to 6 p.m. what happens with the traffic that they will generate and the peace and tranquility for the residents.

Chairman Rene A. Flores stated that the Board had heard all the concerns but needed to give an opportunity to the applicant.

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

There was no response.

Mr. Tijerina stated that Mr. Salinas was not present. He is the person leasing the property from Mr. Olvera and Mr. Noe Olvera was not able to attend since he worked with the Mission Post Office.

Chairman Rene A. Flores asked if there was any input from the Board.

Mr. Ned Sheats stated that any time a property is involved with contractors and the nature of the business it involves dust and with the wind in the valley being at 20 mph there is going to be substantial amount dust and this is not to say that it cannot be mediated. Mr. Sheats stated that in his opinion before any conditional use permit could be considered the parking area needs to be paved or the dust needs to be controlled. Mr. Sheats stated that since this property was currently zoned R-1 staff needed to go back to act on the rezoning.

Mr. Tijerina stated that notices had been sent to all the residents in Melba Carter and per City ordinance, it's only required to notified 200' radius as far as opposition if it's 20% or more and within the 200' radius then its considered by the City Council. Mr. Tijerina mentioned that as far as the hours of operation and the dust control that is something that the P&Z and City Council have the authority to regulate they could set the hours of operation if the Board is so inclined. He added that as far as the vehicles being parked on the street they would need to have all the vehicles from their employees' park inside their property. Mr. Tijerina stated that as far as the chemicals they would need to follow their own guidelines. Mr. Tijerina mentioned that the Board could add more conditions they feel were necessary if they were so inclined to it and they would need to comply with all of them in order to operate their business. Mr. Tijerina stated that the Board would first have to table the conditional use permit request and act on the rezoning so that they could act on the conditional use permit.

Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to table the conditions use permit. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

The residents from Melba Carter started to get up and walk out of the meeting.

Mr. Ned Sheats asked if the residents understood that the Board was about to address the particulars/restrictions of the conditional use permit so why were they leaving.

Mrs. Aida Garza apologized for not hearing what they had just mentioned.

Chairman Rene A. Flores stated that they were being very disrespectful that when this Board was about to address all the restrictions/protections they had asked for the neighborhood and that this Board could provide to the residents from Melba Carter you as a group walk out of this meeting.

Mrs. Aida Garza stated she understood that but she also understood that the Board had approved the rezoning which was something that they really don't want. She mentioned that she would stay to hear the rest of the item being considered.

Mr. Ned Sheats stated that this was the problem she didn't really understand because this Board has done everything they can within the law and you are asking us to do something we can't do but if you're not happy with it but by all means they can do anything they wish too.

Chairman Rene A. Flores entertained a motion to remove item 1.3 from the table. Mr. Ned Sheats move to remove item 1.3 from the table. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Rene A. Flores entertained a motion.

Mr. Ned Sheats made a motion that at this particular point and time we deny the conditional use permit until such time as the City has addressed its promise to bring this into a low density area and at which time we can add any considerations that might be left out would it be okay with staff.

Chairman Rene A. Flores stated that staff understood that the Board wanted to deny the request and at the same time it allows staff to rework some of the recommendations that were mentioned like the bus stop.

Mr. Sheats stated that by that time the Future Land Use Map Amendment would have been considered and acted on.

Mr. Tijerina stated that if the conditional use permit is denied it still goes to the City Council.

Mr. Sheats stated that he understood that but had no control over that.

Mr. Tijerina stated that he just wanted to let the Board and the audience know the next step.

Mr. Sheats asked if it would be better to table the item for a long time.

Mr. Tijerina stated that it would be better to deny the request.

Mr. Ned Sheats moved to deny the request. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:00 p.m.

Ended: 6:04 p.m.

ITEM #1.4

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Mezcal y Tequila
1522 E. Expressway 83, Ste. 113
Lot 4, Stewart Plaza Subdivision
C-3
Sora, LLC – c/o Claudia Rivera**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SW corner of Stewart Road and Expressway 83. There is an existing commercial plaza located on the site which has an existing 2,119.90 sq.ft. suite formerly known as 'Buda's Sushi Bar and Night Club'. It is still the same applicant however the business is changing names and operation from a sushi bar to only a bar. Access to the site is provided from a 38' driveway off of Expressway 83.

- **Hours of Operation:** Monday – Saturday from 6p.m. to 2:00a.m., Closed on Sundays. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 15 employees
- **Parking:** In viewing the floor plan, the 2,119.90 sq.ft. restaurant/bar has a total of 131 seating spaces which require 44 parking spaces (131 seats/3 = 43.6 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** As per Section 1.56 (3a) of the Zoning code Bars requires a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There are 4 residential lots that are within the 300'. P&Z and City Council waived the separation requirement during the CUP's previous approval.
- Staff has asked Mission PD for a report of any incidents for this business. We have not received a report as of this write up, but we should have an update by the date of the meeting.
- Must continue to comply with all City codes.

REVIEW COMMENTS: In speaking to the applicant, they mentioned that they wish to remove all aspects of a restaurant and be more of a night club. They stated that they would not be utilizing the kitchen as much, unless customers request orders. Since this is primarily a bar, Staff is requesting the use of uniformed security guards in addition to the previous requirements as done with other bar businesses.

RECOMMENDATION: If there are no reported incidents and have PD's approval, Staff recommends approval for 1 year subject to:

1. No objection to waiver of the 300' separation requirement;
2. Must provide a copy of the contract for the uniformed security guards;
3. Must continue to comply with all City codes.

Mr. Salinas mentioned that he had the opportunity to speak to PD and they mentioned that there were no incidents reported for this address but would like to revisit the site on a yearly basis to monitor the business closely.

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.

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

Started: 6:04 p.m.

Ended: 6:17 p.m.

ITEM #1.5

Conditional Use Permit:

**To Place a Portable Building Structure
for the Sale of Food
822 W. Business 83
Lots 4-6, Block 153,
Mission Original Townsite Subdivision
C-4
Alondra Amezcua**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NE corner of Tom Landry Blvd. and Holland Avenue. There is an existing tire shop on the property. The applicant wishes to place a portable for the sale of hamburgers, tacos, etc. on the north side of the tire shop. Access to the site is from Tom Landry Blvd. and Holland Avenue. The existing restroom facilities from the tire shop will be available.

- **Hours of operation:** Every day from 11a.m. to 11p.m.
- **Staff:** Only the applicant will be running the stand.
- **Parking:** There is currently a large concrete area used by the tire shop which easily accommodates the min. 4 parking spaces for the food portable. The parking area is required to be properly striped.
- **Landscaping:** There are some green areas along Holland and W. Business 83. Staff recommends that the applicant install a combination of trees, plants, and shrubs and repaint the block wall along to the north of the property in order to improve the aesthetics of the site.
- Must comply with all City codes including Health and Fire Department requirements.
- A new business license is required prior to occupancy

REVIEW COMMENTS: We have seen several food carts come before us and Staff understands the previous concerns voiced by the P&Z regarding these types of carts. The property is located at a busy intersection and there are also several items that need to be improved upon such as re-striping the entire parking lot, adding some landscaping, and repainting the block wall along the north side of the site in order to help improve aesthetics of the property overall.

RECOMMENDATION: Staff recommended denial.

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

Mrs. Anna Carrillo how resides at 305 E. 27th mentioned that she was present on behalf of her mother who lives near the site. She added that she just wanted to hear from the applicant a little more on her proposal. She added that area had a lot of tires and was not very clean, and also the alley was currently being used as a street when trying to avoid Business 83. She mentioned that her concern was the traffic and being open till 11 p.m. Mrs. Carrillo apologized for her mother not being present but she is handicap and asked her to find out more information since she received a notice.

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

The applicant, Mrs. Alondra Amezcua was present to address any questions from the Board.

Chairman Rene A. Flores asked Mrs. Amezcua if she understood that staff was recommending that the conditional use permit request be denied.

Mrs. Amezcua replied, "Yes".

Chairman Rene A. Flores stated that if the request were approved she would have to invest a lot of money in order to be able to open her business. He added that this Board was trying to do away with these types of portable buildings because they prefer the people to consider investing in a commercial establishment where it's cleaner and more convenient. He added that these types of businesses were not very common next to tire shops. Mr. Flores mentioned that Mrs. Carrillo's concern was the traffic and the late hours. He asked if she had any questions.

Mrs. Amezcua stated that she understood that the difference between an establish business verses a portable structure but her trailer was new and very clean. She stated that she had worked in restaurants before and was aware that she needs to comply with the health department and obtain health permits. Mrs. Amezcua stated that she understands a tire shop was not the ideal place for a portable structure because it was not that clean but since the location was very good and she lived nearby she didn't believe she would have any trouble. Mrs. Amezcua asked if they weren't allowing any more portable structures for the sale of food at all in Mission or just this specific location, perhaps if she looked for another location.

Chairman Rene A. Flores stated that she could look for another location and this Board could consider it but she would need to reapply. He mentioned that staff did not believe this location was suitable for her proposal because as it is there was a lot of traffic already. Mr. Flores asked what her relation to the owner of the business was.

Mrs. Amezcua stated that the owner of the tire shop was a friend.

Chairman Rene A. Flores stated that he just wants for her to understand that the owner of the tire shop would need to invest in his property in order for her to open her business and he might not be receptive in doing that. Mr. Flores mentioned that he would need to paint the walls, re-stripe the parking lot, etc.

Mrs. Amezcua stated that they would be willing to clean up and comply with staff's recommendations but wanted to make sure the Board was not approving any more permits for this type of request that way she would not look for a different location.

Chairman Rene A. Flores stated that the City was considering this type of requests but they were being more cautious with them. He added that the City had recently approved a similar request on Shary Road the concern with her request was the location.

Mr. Tijerina mentioned that June through November is hurricane season and it usually bring a lot of rain and the tires attract mosquitoes and other rodents, which were not very sanitary for her business. He added that fence needed to be taken care off because it had graffiti.

Mrs. Amezcua stated that the owner of the tire shop allowed the kids to paint the wall but she understood all the concerns and would take them into consideration.

Mr. Abiel Flores stated that he was aware that the City of Mission was in the process of beautifying Mission and just felt that this was a good opportunity that when we sees a business that is in need of improvement and there is someone wanting to place a very nice portable structure that we should take advantage to help improve it by applying all these restriction. He mentioned that way if they can't comply so be it but if they can it would improve the area tremendously.

Chairman Rene A. Flores stated that he understands Mr. Flores concerns but the City has to work in a plan of action to help improve these areas.

Mr. Tijerina stated that since October the City has been working on a Beautification Committee and the Fire, Police, Health, Public Works, CDBG, and Planning Departments have been working together to clean up the city. He added that the Fire Department has been visiting all the tire shops and asking them to put the tires away, locking them up. Mr. Tijerina added that this morning they had a meeting with the City Manager's office and the Fire Department next round should be in July. He mentioned that they are working hard to get all the weedy lots, junked vehicles, health and sanitation issues, etc.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to deny the conditional use permit as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed 4-1, with Mr. Abiel Flores dissenting.

Started: 6:17 p.m.

Ended: 6:31 p.m.

ITEM #1.6

Conditional Use Permit:

**To Install a new 8' x 32' Portable
Building for Office Use
1801 W. Expressway 83
Lot 1, E. Fabela Subdivision
C-3
Enrique Fabela**

Mr. Bobby Salinas went over the write-up stating that the subject site is 2,000' east of Inspiration Road along the south side of Expressway 83. This site currently has an existing wood moulding business (FG Moulding). The owner wishes to rent a portion of his property in order to allow for a new car lot. The potential renter of the property installed an 8' x 32' portable building for use as a car lot sales office. The portable was proposed to be setback approximately 42' from the property line. Access to the site is off of an existing driveway -off of Expressway 83.

- **Hours of Operation:** Monday – Sunday from 8a.m. to 7p.m.
- **Staff:** 4
- **Parking:** The existing wood moulding business currently has 12 parking spaces. A sales office of this size requires a minimum of 4 parking spaces. The owner is proposing to add 4 spaces for the car sales lot, thus in compliance with parking.
- **Landscaping:** In speaking with the applicant there is a lot of existing pavement along the front of the lot. He has agreed to install additional trees within the remaining green areas in order to improve the landscaping of what is currently in existence.
- **ORD. 3602** – This ordinance requires buildings along the Expressway to have a stucco finish on the front of the building. Adding stucco to the portable building will give the impression of an site built permanent building.
- Must comply with all City Codes (Building and Fire) prior to obtaining a business license.

REVIEW COMMENTS: It is not uncommon to have a portable sales office for this type of business. The portable will be placed adjacent to the existing building that actually aids in lessening the portable's visibility from the Expressway. Staff knows that having a portable sales office along the Expressway may not be a long term desire of the City when considering aesthetics along such a major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Having the front façade of the building with a stucco finish will give the appearance of a permanent structure which should help the overall aesthetics of the property.

Mr. Salinas stated that Mr. Daniel Tijerina had the opportunity to go to the site he actually drove in and took a picture of the site how it is today and he did mention one thing that concerns us in regards to the speed and traffic along the frontage road and the exiting to the frontage road.

RECOMMENDATION: Staff recommends approval for 1 year subject to:

1. Providing stucco for the front of the portable building;
2. Providing skirting for the building;
3. Installing and maintaining new landscaping on the property;
4. Must comply with all City Codes (Building, Fire, etc.)
5. Must obtain a business license prior to occupancy

Mr. Salinas mentioned that the Board might want to keep in mind the big concern in regards to the traffic and exiting out was pretty difficult.

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. Enrique Fabela who resides at 803 Colorado Court was present to address any questions from the Board.

Chairman Rene A. Flores asked if he was the owner of the proposed business.

Mr. Fabela mentioned that he was the owner of the property and was proposing to rent part of his property to another person.

Chairman Rene A. Flores asked why he was asking for the request if he was not the person doing the business.

Mr. Salinas stated that he was the owner of the property and let's say that the person renting the business leaves in 6 months he could rent it to someone else without having to reapply.

Chairman Rene A. Flores stated that in his opinion he didn't believe this was a good location for the type of business his is proposing and there was also a concern regarding the speed of the traffic.

Mr. Fabela mentioned that he thinks it because of the ongoing construction once the construction is completed he thinks it will be back to normal because it was not like that when there was no construction.

Chairman Rene A. Flores stated that one of the duties as a Board Member is to cautious of the new businesses that are coming to the City of Mission and to consider what is in the best

interest for this City and in his opinion having cars parked along the frontage road was not in the best interest of the City.

Mr. Fabela stated that they had just opened a car lot on the other side of the frontage road almost across from his location.

Chairman Rene A. Flores asked where exactly.

Mr. Salinas stated that he was referring to the Car Mart car lot.

Mr. Ned Sheats asked where the cars are going to be displayed.

Mr. Salinas replied, "On the triangle shape".

Chairman Rene A. Flores stated that he believed this was not the type of business he would like to see on the Expressway. He added that there were a lot of used car dealerships along the Expressway already that are taking away from the growth of the City. Mr. Flores mentioned that given the building, the way it's setup, and trying to maximize the use of one particular area for two different types businesses he believes it complicates the traffic and the identity of his own business in general. Mr. Flores stated that in his opinion he didn't think it was the right fit for the City of Mission.

Mr. Fabela stated that in his opinion this was the ideal place for the car lot and to him it would not affect his business in anyway on the contrary it would help him because business has been slow.

Mr. Abiel Flores asked since the request was for the portable building if this Board denies the request would they be able to move forward with the car lot.

Mr. Tijerina replied, "Yes", because they could have an office inside the existing building or a site built office with a foundation. Mr. Tijerina stated that they were other options he could do and still move forward with his car lot. The conditional use permit is only because they want the portable building.

Mr. Fabela stated that he understands that if the P&Z denies the request he could still do an office inside the existing building.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Abiel Flores moved to deny the conditional use permit. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:31 p.m.

Ended: 6:37 p.m.

ITEM #1.7

Conditional Use Permit:

**Restaurant on property zoned C-2
214 N. Inspiration Road**

**W. 200' of the N. 95.83'
of the S. 526.83' of Lot 19-1,
West Addition to Sharyland Subdivision
C-2
Carolina Barrera & Felipe Martinez**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 1,550' south of Business 83 along the east side of Inspiration Road. The property currently has a commercial building with two suites. One of the suites is currently a beauty salon and the other suite was previously a snack shop. The applicants intend to open a small Mexican Restaurant (Taqueria) on the property. The property zoned is zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2).

- **Hours of Operation:** Monday – Sunday from 7a.m. to 10p.m.
- **Staff:** 4
- **Parking:** The restaurant will have a total of 40 seats which requires 13 parking spaces (40 seats/3 = 13.3 spaces) and the existing beauty salon requires a minimum of 4 spaces. The site currently has a total of 17 parking spaces, thus in compliance with code. However the entire parking lot needs to be re-stripped.
- **Landscaping:** The site had minimal green space to begin with and due to the current expansion of Inspiration Rd., a lot of the green area and trees that may have existed have been removed. After the completion of the construction, Staff is recommending the installation of at least 3 trees being 7' tall and three (3') inch caliper after planting. We are also asking that the landscaped areas be maintained and irrigated.
- Must comply with all Building, Health and Fire Codes prior to obtaining a business license.

REVIEW COMMENTS: P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff believes that this proposal would not have a negative impact to the area since the hours of operation are reasonable and the CUP would actually require an upgrade in parking and landscaping.

RECOMMENDATION: Staff recommends approval for 1 year after business license issuance subject to:

1. Must re-stripe the parking lot;
2. Must comply with the landscaping code;
3. Must comply with Building, Health, and Fire Codes;
4. Must obtain a business license prior to business occupancy.

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.

Mrs. Carolina Barrera whose address is 406 S. Moorefield was present to address any questions from the Board.

Chairman Rene A. Flores asked Mrs. Barrera if she was receptive to staff's recommendations.

Mrs. Barrera stated that she used to have restaurants in Michigan and to her it is a Taqueria she is even calling it Taqueria Lupita but in Mission everything is different and I believe that because of the food we are proposing to serve it has to be a Restaurant.

Mr. Ned Sheats asked if she was proposing to serve alcohol.

Mr. Barrera replied, "No".

Mr. Mario Garza asked if she was receptive to comply with staff's recommendations.

Mrs. Barrera replied, "Yes".

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

ITEM #2.0
ADJOURNMENT

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. Abiel Flores seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:38 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission