

**PLANNING AND ZONING COMMISSION
SEPTEMBER 24, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Veronica Ocaña
Cesar Duque
Marisa & Rolando Cano
Dee Ocon
Jose G. Ortiz
Undiscerned signature

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.

Chairman Rene A. Flores mentioned that in the shopping plaza where HEB & Target were they had about 40 storage containers on the parking lot and asked if our City codes allowed that.

Mr. Daniel Tijerina stated that he believed this storage containers were for the ongoing construction but would look into this.

Chairman Rene A. Flores stated that the storage units were in front of the Target but what type of construction was HEB doing?

Mr. Tijerina stated that he thought he was referring to HEB since they were doing some remodeling inside the store and they also had some containers in the parking area. He said staff would take some pictures, make contact and definitely look into this because they cannot take away from the parking.

Chairman Rene A. Flores stated that they also needed to look into the parking lot of the Bannworth Park because it needs an overlay.

Mr. Tijerina stated that he would get with Public Works Director, Roberto Salinas to address the concern.

APPROVAL OF MINUTES FOR SEPTEMBER 10, 2014

Chairman Rene A. Flores asked if there were any corrections to the minutes for September 10, 2014. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:03 p.m.

Ended: 5:20 p.m.

ITEM #1.1

Rezoning:

**The West 75' of Lots 4, 5, & 6,
Block 179, Mission Original Townsite Subdivision
R-1 to R-2
Jose G. Ortiz**

Mr. Daniel Tijerina went over the write-up stating that the property is located on the NE corner of Nicholson Avenue and W. 10th Street. The site measures 75' x 150' which equates to 11,250 sq. ft. or 0.26 of an acre.

SURROUNDING ZONES: The surrounding zones include C-4 (Heavy Commercial) to the south and R-1 (Single Family Residential) in all other directions.

EXISTING LAND USES:

N:	Single Family Home
E:	Single Family Home
W:	Fourplex Apartments
S:	Open Acreage

FLUM: The Future Land Use Map shows this area developing as Low Density (LD).

REVIEW COMMENTS: This property falls within an area where in 2006, the City Council voted to re-zone various properties from R-2 (Duplex/Fourplex) to R-1 (Single Family Residential) due to there being too many apartments in the Mission Old Townsite.

The existing apartments located to the west were built in 2004, which now makes them existing non-conforming uses in their current R-1 zone. Though the FLUM is not 'set in stone', there needs to be a predominant and unique reason to deviate from it. Staff must recommend upholding City Council's action from 2006 and should abide by the current FLUM designation to sustain its confidence to the general public.

RECOMMENDATION: Staff recommended denial.

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

Mr. Bobby Salinas stated that there was a phone call that was made to the office in opposition to the request.

Chairman Rene A. Flores asked Mr. Salinas from whom.

Mr. Salinas replied, "That no name was given to staff only that they were opposing to this request".

Chairman Rene A. Flores asked if notices had been sent out to the residents.

Mr. Salinas replied, "That notices had only been sent out to the residents within 200' radius of the proposed site".

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

Mrs. Veronica Ocaña stated that she was the broker representing the property owners and Mr. Jose Ortiz was the applicant and interested buyer. She added that Mr. Ortiz English was not that good and she could translate if they had any questions for him.

Chairman Rene A. Flores stated that she could speak for him since she was familiar with the property and the plans he had for this property.

Mrs. Ocaña stated that she was familiar with the property but not with his plans all she knew was that they wanted to build a duplex.

Chairman Rene A. Flores asked for her name and address for the record.

Mrs. Veronica Ocaña who resides at 3509 N. Mayberry Road in Mission stated that she was representing the person selling the property.

Chairman Rene A. Flores stated that there was an existing Future Land Use Map that was in place that the City has adopted to have the City go in a specific way and we have to find what's unique about this property or what makes it special to deviate from the Future Land Use Map. Mr. Flores added that the applicants' purpose is to inform us how this rezoning is going to benefit the neighbors and surrounding areas so that we would deviate from what the City Council had already approved.

Mrs. Ocaña stated that she was just the Real Estate Agent helping the sellers with this property. She added that she had received 9 serious inquiries that wanted to place offers for this property and all of them were to construct apartments.

Chairman Rene A. Flores asked Mrs. Ocaña how long she has been a Real Estate Agent.

Mrs. Ocaña replied, "Since 2004".

Chairman Rene A. Flores asked Mrs. Ocaña if she lived in Mission and if she was familiar with this area.

Mrs. Ocaña stated that she lived in Mission and she was also familiar with the area.

Chairman Rene A. Flores asked Mrs. Ocaña based on her expertise would this piece of land benefit from this type of development.

Mrs. Ocaña replied, "Absolutely". She added that it would increase the population because it would be more than one family versus only one family. Mrs. Ocaña mentioned that by making apartments or having multifamily in this area it would make it prosper economically, beautify aesthetically, and not diminish in any way, shape or form.

Chairman Rene A. Flores asked if in this particular case, there is a need for housing.

Mrs. Ocaña stated that in this area, rentals is what predominates and not so much purchases. She added that the homes that have been in existence have been there for more than 12 years.

Chairman Rene A. Flores asked how long the sellers have owned this property.

Mrs. Ocaña stated that the sellers purchased this property in 2011 and the property has been vacant for more than 4 years. She mentioned that the tax records indicate that Mr. De Leon used to own the property prior to the sellers and he didn't construct anything on it either.

Mr. Ned Sheats stated that he was on the same group that reviewed the Future Land Use Map that last time and quite frankly he didn't recall looking at the map on a lot by lot basis they just looked at general areas. He added that in his personal opinion this would be an upgrade to this area.

Chairman Rene A. Flores stated that normally he would go with staff if there was a substantial amount of the neighbors opposing this request opposition but he actually agreed with Mr. Sheats.

Mr. Ned Sheats stated that the proposed apartments could provide a buffer to this area.

Mr. Tijerina asked the Board if they approve the rezoning request would it be considered spot zoning since all the surrounding areas are zoned residential.

Chairman Rene A. Flores asked Mr. Tijerina who would determine if the rezoning would be considered spot zoning.

Mr. Tijerina replied, "Mr. David Guerra, the City Attorney".

Chairman Rene A. Flores stated that they wouldn't know until the process takes its course because this rezoning would still need to go through the City Council and it may or may not be approved.

Mr. Ned Sheats stated that this would be something that might need to be considered by the City Attorney to determine if it would be spot zoning.

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

Started: 5:20 p.m.

Ended: 5:29 p.m.

ITEM #1.2

Rezoning:

**A 1.0 acre tract of land,
More or less, out of Lot 24-1,
West Addition to Sharyland Subdivision
AO-I to C-3**

Cesar Duque & Alfredo Villarreal

Mr. Daniel Tijerina went over the write-up stating that the site is located 600' east of Inspiration Road along the south side of Griffin Parkway. The site measures 125' x 348.5' which equates to 43,562.50 sq. ft. (1.00 acres).

SURROUNDING ZONES:	N:	C-3	- General Business District &
		C-2	- Neighborhood Commercial District
	E:	AO-I	- Agricultural Open Interim
	W:	R-1	- Single Family Residential
	S:	R-1	- Single Family Residential

LAND USES: The surrounding land uses consist of what was a proposed car lot to the north and single family homes in all other directions. The site currently has a single family home that is proposed to be a home health care office.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation for this tract.

REVIEW COMMENTS: The proposed C-3 request is directly consistent with the Future Land Use Map and other land uses along Griffin Parkway; Griffin Parkway is a principal arterial which mandates a minimum 120' ROW in this area as per MPO. The inherent traffic using this major street is more conducive for non-residential uses.

RECOMMENDATION: Staff recommended 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.

Mr. Cesar Duque who resides 839 Ricardo Drive in Palmview was present to address any questions from the Board.

Chairman Rene A. Flores asked Mr. Duque how long he has been running the home health business.

Mr. Duque replied, "Since 2008, but not at this location.

Chairman Rene A. Flores asked Mr. Duque how long has he been at this new location.

Mr. Duque stated that since May of 2014.

Chairman Rene A. Flores asked Mr. Tijerina if they needed to comply with any other requirement.

Mr. Tijerina stated that the first step would be to rezone the property to commercial. Once the rezoning is complete, then they would need to comply with any necessary modification to the inside of

the building, and parking area. He added that since the home is fairly new he could probably assume the property pre-existed 1974 or had gone through a single lot variance otherwise, the home would have not been constructed.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Abiel Flores moved to approve the rezoning as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:29 p.m.

Ended: 5:33 p.m.

ITEM #1.3

Conditional Use Permit:

**The Complimentary Offering of Alcoholic Beverages
For On-Site Consumption for a Social and/or Cultural
Event on October 17, 2014 at the Mission Historical Museum
900 Doherty
Lots 1-7, Block 161, Mission Original Townsite Subdivision
C-3
The International Good Neighbor Council**

Mr. Daniel Tijerina went over the write-up stating that the site is located on the north east corner of Doherty Avenue and E. Business 83 (Mission Historical Museum grounds).

Ord. #3436 permits civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event.

REVIEW COMMENTS: The International Good Neighbor Council (IGNC) wishes to have a board meeting that could bring approx. 150 guests from Mexico and Texas. Their meeting is set for October 17th and 18th with an opening reception to be hosted at the Mission Historical Museum on the 17th. The IGNC is requesting the City to consider issuing this CUP in order to be permitted to serve complimentary alcoholic beverages. The serving of beverages must be in moderation and self-monitored.

RECOMMENDATION: Staff recommended 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.

There was no response.

Chairman Rene A. Flores stated that he would like to get invited to Grand Openings, Ribbon Cuttings & City sponsored events.

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 recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:39 p.m.

ITEM #1.4

Conditional Use Permit:

Drive-Thru Window

1615 E. Griffin Parkway

Lot 1, Block 3, Shary Gardens Subdivision

C-3

Cano Family Limited Partnership

Mr. Daniel Tijerina went over the write-up stating that the site is located along the NW corner of Garden View Drive and E. Griffin Parkway within an existing commercial plaza. There was an existing CUP for a drive thru service window for a dry cleaners business on at this location issued on 5-29-01, however this CUP was not transferable to others. The new applicant is requesting the CUP for the drive-thru window potential renters of the building can utilize the drive-thru service window as well. Access to the site is provided via a common access drive that runs throughout the plaza and off of Garden View Drive. The existing drive-thru window's location allows stacking for approximately 2 vehicles and has seemed to work well for over 10 years.

- **Parking:** It is noted that a total of 113 parking spaces are held in common within the commercial development. Staff has not received any complaints in regards to parking since the previous business was in operation.
- **Landscaping:** Landscaping has been provided as a part of the overall commercial plaza.
- No speed bump was required by staff during the previous CUP approval. There haven't been any issues in regards to the use of the drive thru, however the option is available if so requested by the board.
- Must comply with all Building, Fire, and Health Codes, prior to obtaining a business license.
- A business license is required prior to occupancy.

REVIEW COMMENTS: Since this site has been previously used with the drive-thru window, Staff does not object to the new applicant re-opening the site when new renters come in to re-open the business.

RECOMMENDATION: Staff recommended approval for 3 years.

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. Rolando & Mrs. Marissa Cano were present to address any questions from the Board.

Mr. Abiel Flores stated that Mr. Tijerina mentioned that the business has been working well for more than 10 years so why were they reapplying for the conditional use permit.

Mr. Daniel Tijerina stated that the original conditional use permit for the drive-thru window was for BFG Development but it was not transferable to others, therefore the need for Mr. Cano who recently purchased the property to file under his name.

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

OTHER BUSINESS

Mr. Daniel Tijerina stated that the new owner of Pepe's on the River has proposed to have portable structures that offer different types of food.

Chairman Rene A. Flores asked if all the portable structures would be under the Palapa.

Mr. Tijerina stated that they would be around the Palapa because they want to use the Palapa as a dance floor.

Mr. Ned Sheats asked if they had downsized because he recalled they were proposing to do a two story building with a swimming pool and other amenities. He mentioned that he knew it would become a recreational area and would not have a problem with their proposal but they needed to factor some type of lighting in that area.

Mr. Tijerina stated that the Council and the applicant have considered adding lighting to that area. He added that once they are ready they will be applying for a conditional use permit for the placement of the portable building.

ITEM #2.0 ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:45 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission