

**PLANNING AND ZONING COMMISSION
JUNE 24, 2015
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
John Guerra
Diana Izaguirre

P&Z ABSENT

Julio Cerda
Marisela Marin

STAFF PRESENT

Joe A. Garza
Susana De Luna
Patricio Martinez

GUESTS PRESENT

Eduardo Hernandez
Valdemar Cantu

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR JUNE 10, 2015

Chairman Sheats asked if there were any corrections to the minutes for June 10, 2015. Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:11 p.m.

ITEM #1.1

Rezoning:

**Lot 3, Alex Cavazos Subdivision
AO-I to C-3
Eduardo Hernandez**

Mr. Joe Garza went over the write-up stating that the subject site is located at the NE area of W. 41½ Street and Inspiration Road on the east side of Inspiration Road. The lot measures 96.0' x 84.50'.

SURROUNDING ZONES:

N: AO-I Agriculture Open Interim
E: AO-I Agriculture Open Interim
W: R-2 Duplex – Fourplex Residential
S: AO-I Agriculture Open Interim

EXISTING LAND USES:

N: Single Family Home
E: Single Family Home
W: Duplex Residential

S: Single Family Home
Site: The site currently has an old Auto Body Shop

FLUM: The Future Land Use Map currently reflects a General Commercial (GC) land use designation.

REVIEW COMMENTS: Although the FLUM reflects a GC designation, the surrounding land uses and zones are residential. Staff has received numerous calls against the rezoning. Currently, there is an auto body shop at the site that has no permits from the State, the County, nor the City.

RECOMMENDATION: Based on the surrounding land uses and zones, and on the numerous calls received against this proposal, staff recommends denial of the rezoning.

Ms. Diana Izaguirre walked in at 5:08 p.m.

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

There was no response.

Chairman Sheats stated that prior to hearing from the applicant he would like to comment that one of the problems that was brought up to his attention was that this property was coming in as a AO-I (agricultural zone) approximately 5 years after being annexed to the City. According to the City's own Municipal Code Section 133 the Mission Planning and Zoning Commission shall as soon as practical after annexation of any territory to the City and after sufficient study institute proceedings on its own motion to give the newly annexed territory a permanent zoning in accordance to the comprehensive plan of the city. Mr. Sheats stated that the issue we have here along with several that we have seen recently is the direct result of not following our own ordinances.

Chairman Sheats asked if the applicant or representative were present.

Mr. Eduardo Hernandez who resides at 1936 S. 34th Street in McAllen was present to address any questions from the Board.

Chairman Sheats asked Mr. Hernandez if he had any questions in regards to the rezoning and the fact the City was recommending denial.

Mr. Hernandez stated that he has had this property for over 10 years and has been working as a mechanic at this location for the same amount of time. He would like the Board to consider approving the rezoning so that he can continue with his business because that is where he earns his income to maintain his kids. Mr. Hernandez stated that the Bank sold him this property as commercial and has been paying insurance as commercial for almost 10 years already.

Chairman Sheats stated that unfortunately this Board could only address the zoning although he understands that sometimes the enforcement of the existing laws that have been in effect since before he started his business in the county regarding permits, and business license were not followed. He added that now staff has complaints from surrounding neighbors and a use that by its nature offensive in a way of traffic, smells, odors, noise and it does not fit in this neighborhood. Chairman Sheats stated that just because he has been there for 10 years does not mean that he could disregard the law of the City of Mission.

Mr. Mario Garza asked what business was north of his property.

Mr. Joe Garza stated that he it was a tire shop that has been there prior to been annexed to the City.

Mr. Mario Garza stated that he didn't see a problem since it was already in a General Commercial Zone all he needed to do was beautify the area.

Chairman Sheats stated that he was not in a General Commercial Zone the Future Land Use Map designated as General Commercial but it currently was agriculturally zoned. Unfortunately it was one of those properties that as soon as it was annexed immediately it should of being zoned for the surrounding occupations that were there at that time but it did not happen it stay AO-I and now we have a mix. He added that now we do have complaints from citizen's which have their rights to be respected.

Mr. Hernandez stated that he has been working there for the past 10 years.

Mr. Joe Garza informed him that if the P&Z denies the request it still needs to be considered by the City Council.

Chairman Sheats stated that he did still have that option.

There being no further discussion, Chairman Sheats entertained a motion. There been no motion, the item is denied in lack of a motion.

Started: 5:11 p.m.

Ended: 5:11 p.m.

ITEM #1.2

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Cantina Blue
1522 E. Expressway 83, Suites 108 & 109
Lots 3 & 4, Stewart Plaza Subdivision
C-3
Cesar Ibarra**

No action taken on this item.

Started: 5:11 p.m.

Ended: 5:14 p.m.

ITEM #1.3

Conditional Use Permit:

**To Place a Hotdog Stand – Fiesta Grocery
208 N. Inspiration Road
Lot 1, Madrigal Subdivision
C-2
Valdemar Cantu**

Mr. Joe Garza went over the write-up stating that the subject site is located 130' north of W. 2nd Street along the east side of Inspiration Road within the Fiesta Grocery site. The applicant wishes to place a food cart for the sale of hot dogs on the west side of the Fiesta Grocery store. He is also the same person operating the Fiesta Grocery store. Access to the site is from an existing driveway along Inspiration Road. The existing restroom facilities located within the grocery store will be available.

- **Hours of operation:** Every day from 5p.m. to 10p.m.
- **Staff:** Only the applicant will be running the stand.
- **Parking:** There are approx. 9 spaces available for the grocery store which would be shared with the hot dog cart. There is also plenty of room along the north side of the property, which could be utilized as additional parking.
- Requires the approval of the Health and Fire Department
- A new business license is required prior to occupancy

REVIEW COMMENTS: Since the meeting on February 11, 2015 the applicant has paved and restriped the parking lot. He has also replaced the roof shingles and signage to the facility.

RECOMMENDATION: Approved subject to: 1) 1 year approval to assess this new operation, parking, etc.; 2) Approval by the Health Department; and Fire Department, and 3) Acquisition of a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Valdemar Cantu whose address is 208 N. Inspiration Road was present to address any questions from the Board.

Chairman Sheats thanked Mr. Cantu for doing a good job in improving the site.

There being no discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0
OTHER BUSINESS**

Chairman Sheats stated that he would like to say something to the Board even though he might end up apologizing for it. Ladies and Gentleman if you cannot make a hard decision on this item don't volunteer for a Board.

**ITEM #5.0
ADJOURNMENT**

There being no further items for discussion, Mr. Garza moved to adjourn the meeting. Mr. Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:15 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission