

**SPECIAL PLANNING AND ZONING COMMISSION
NOVEMBER 19, 2012
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene Flores
Ned Sheats
Carlos Lopez
Mario Garza
Abiel Flores

P&Z ABSENT

Marisela Marin
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Irasema Dimas

GUESTS PRESENT

David Bonilla
Rick Rivera
Gilbert J. Guerra, P.E.
Ivan Garcia, EIT
Javier Hinojosa, P.E.
Arturo Gonzalez
Mr. Rocha
Martin Risley

CALL TO ORDER

Acting Chairman Ned Sheats called the meeting to order at 5:03 p.m.

CITIZENS PARTICIPATION

Acting Chairman Ned Sheats asked if there was any citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR NOVEMBER 14, 2012

Acting Chairman Ned Sheats asked if there were any corrections to the minutes for November 14, 2012. Mr. Mario Garza moved to approve the minutes as presented. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:07 p.m.

ITEM # 1.1

Discussion and Action to Amend Future Land Use Map within the Boundaries of Taylor Road to the East; Stewart Road to the West; Griffin Parkway to the North, and Expressway 83 to the South.

Mr. Bobby Salinas went over the write up stating that this is the 3rd in a series of FLUM amendments. The FLUM gives the general public, developers, public officials, and interested others *'broad strokes'* of how the City of Mission's land uses should be located – it is not intended to be a rock solid depiction of a future zoning map. When determining general land use patterns, staff typically factors in the following:

- ❖ Frontage to Existing Major Streets such as FM Roads/MPO arterials – properties next to FM roads or State Highways (or the Expressway) have a larger tendency to be commercial or even attract apartments; if a property is next to Conway (SH 107)
- ❖ Frontage to *Future* Major streets – The MPO Thoroughfare Map is a Countywide map that requires uniform ROW profiles though the road is in different cities; this MPO Map has been reviewed and approved by all municipalities to require the ROWs
- ❖ Existing land uses – if adjoining next to SF Residences, the undeveloped acreage may have a higher tendency to be SF Res – the same for commercially used properties
- ❖ Existing zonings – if undeveloped acreage is in the midst of a certain *zoning* district (middle of R-1), the likelihood is that it will be SF used & zoned & should thus be designated for SF Res purposes
- ❖ Adjoining land uses – if undeveloped acreage is in the middle of a certain *land use*, then it will likely be used similarly
- ❖ Elevation of tracts – if property is naturally in a very low-lying area and it's flood zone reflects this as a perpetual hazard, then it should likely be designated as "Public" for area wide detention purposes and not be designated for SF Res purposes
- ❖ Highest & Best use analysis – this is a common sense approach after factoring all the above items, i.e., Staff can determine what the highest & best use should be for a certain acreage. For example, though there may be estate residential settings along FM 495, the long term effect should likely be for non-residential purposes such as offices, etc.

In order to fully understand the FLUM acronyms, we provide the following legend:

- **LD** – Low Density Residential; typical Single Family Residential setting; zoning would include R-1
- **LDA** – Lower Density Residential; typical SF Residential setting; zoning would include R-1A
- **MD** – Moderate Density Residential; typical uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes)
- **HD** – High Density Residential; typical uses would reflect apartments; possibly clustered townhouses; RV parks; zonings would usually include R-3 and R-4 (RV's)
- **●** - Neighborhood Commercial; typical uses would include convenience stores, barber shops, day cares, etc.; usually found at major intersections or in midst

of older residential communities to serve the immediate neighborhood;
Zoning is C-2

- **GC** – General Business; typically uses would include retail sales, restaurants, shops, offices, etc.; zonings include C-1, C-2, C-3
- **HC** – Heavy Commercial; typical uses would include heavy equipment sales or uses that require a large outdoor sales area; zoning would be C-4
- **P** – Public – typically includes schools, parks, city or county property

ANALYSIS

Mr. Bobby Salinas stated that in this component of the FLUM, there were several reconciliations of land uses/zonings and proposals to the FLUM that are the following:

SITE LOCATION	FROM/TO	JUSTIFICATION
Acreage out of Lot 241, John H. Shary Subdivision	LD to P	This change would correct the FLUM due to the property being used/owned by the First Assembly of God Church
Star Quick Car Spa	LD to GC	This change would reconcile the FLUM with the current car wash use C-3 zone currently on this property
SW corner of Shary Road and School Lane	LDA to GC	With a widened Shary Road; and an existing C-3 zone for this property, this GC would correct the FLUM.
West half of Lot 1, Falcon Bank @ Sharyland Subdivision	GC to HD	With Existing R-3 zone the HD change is simply an amendment to the FLUM to match the current zone
SW corner of 2 ½ Street and Glasscock Road	LD to GC	With Existing C-2 zone the GC change is simply an amendment to the FLUM to match the current zone.
Keystone Subdivision (U/R)	GC to LD	This property was recently changed to R-1 for a new residential subdivision. This FLUM amendment would reconcile the FLUM with the current zone.

See exhibit A.

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

There was no response.

Acting Chairman Ned Sheats asked if there were any comments from the board.

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

Started: 5:07 p.m.

Ended: 5:09 p.m.

ITEM # 1.2

Rezoning:

**A 1.86 acre tract out of Lot 124,
John H. Shary Subdivision
PUD to C-3
Carlos Andrade**

Mr. Bobby Salinas went over the write up stating that the subject site is located 331.33' south of Mile 2 South Road (aka Hunt Valley Road) along the west side of Shary Road.

The surrounding zones include Planned Unit Development (PUD) in all directions. The surrounding land uses consist of a portable restroom business to the north, open acreage to the west and east, and a Hidalgo County Drainage ditch to the south. The subject site is currently open acreage. The Future Land Use Map reflects a (GC) designation along the Shary Road frontage.

This tract was originally owned and part of the Sharyland Plantation development, however was sold to Mr. Andrade, thus the proposal to change from PUD. The C-3 proposal is directly consistent to the GC designation. The lot fronts Shary Road, a widened major commercial corridor; C-3 is consistent to numerous commercial zonings along this corridor. C-3 is consistent to the commercial land uses along Shary Road as well. Staff recommended approval.

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

There was no response.

Acting Chairman Ned Sheats asked if the applicant or representative were present.

There was no response.

There being no further discussion, Acting Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's

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

Started: 5:09 p.m.

Ended: 5:13 p.m.

ITEM # 1.3

Rezoning: An 8.63 acre tract of land (Tract 1) and a 5.85 acre tract of land (Tract 2) out of Lot 166, John H. Shary Subdivision AO-I to R-3 and C-3 Rio Delta Engineering

Mr. Bobby Salinas went over the write up stating that the subject site is located on the NW corner of Taylor Road and Colorado Street. The site measures 877.23' X 744.95'. The site has frontage to both Colorado and Taylor Road.

The surrounding land uses include C-3 (General Business District) to the north, City of McAllen to the east, C-3 & R-3 (General Business & Multi-Family) to the west, and AO-I (Agricultural Open Interim) to the south.

The existing land uses include Tinseltown (Movies 17) to the north, Apartments and a commercial strip to the west, and open acreage to the south and east. The site is currently open acreage. The Future Land Use Map currently shows an HD designation for the proposed site.

The proposed zoning for the two tracts would be a good fit to what is currently out there, i.e. commercial and apartments. The R-3 proposal is in direct compliance with the FLUM and the proposed C-3 along the corner of the tract would work well in this area. Staff anticipates the property located south of Colorado to follow in a similar fashion. Staff recommended approval to the zoning requests.

Acting Chairman Ned Sheats asked if there were any public opposition to the request.

There was no response.

Acting Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Gilbert Guerra the Project Engineer stated that what the owner was proposing was to build some apartments on tract 1 and a commercial strip, mostly offices, and events center of the property off of Taylor Road.

Mr. Mario Garza asked Mr. Bobby Salinas that if the developer was just proposing small offices why they were applying for C-3.

Mr. Bobby Salinas replied that since the owner was not sure what type of business were going to be established; he applied for the C-3 zone which would allow different types of businesses.

Acting Chairman Ned Sheats mentioned that once the project was fully developed he would like to see a buffer between the apartments and the commercial area.

Mr. Gilbert Guerra replied that they have been talking to the Planning Department and working on the plans showing all the requirements including the buffer.

After a brief discussion, Acting Chairman Ned Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning requests as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:13 p.m.

Ended: 5:18 p.m.

ITEM # 1.4

Rezoning:

**Lot 1, Mission Secondary School Subd.
R-1 to P
Mission C.I.S.D.**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the SW corner of Mile 2 Road and Mayberry Road (Veterans Memorial High School). The site measures 1,320' x 1,880'.

The surrounding zones include R-1 (Single Family Residential) to the north, east, and west; and AO-I (Agricultural Open Interim) to the south. The surrounding land uses consist of single family homes and Mims Elementary to the west, the Mission Lateral to the south and single family homes to the north and east. The subject site is Veterans Memorial H.S. The Future Land Use Map reflects a Public (P) designation.

On August 13, 2012, City Council created a new zone which requires all public facilities such as City, County, Federal buildings; Churches, and Schools to fall within this zone. MCISD is proposing to build a new field house for the Veterans High School, thus the change of zone from R-1 to P is required.

The P zone proposal and the existing site use are directly consistent to the City's Future Land Use Map Public (P) designation. The existing school use and any new construction is exactly what the P zone is intended to regulate. Staff recommended approval.

Acting Chairman Ned Sheats asked if there were any public opposition to the request.

There was no response.

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

Mr. Rick Rivera from Mission C.I.S.D. and the Project Engineer, Javier Hinojosa, were present.

Mr. Rick Rivera stated that on behalf of the Mission C.I.S.D. superintendent he wanted to thank the board for reviewing and possibly approving the rezoning for the field house that is proposed to be built. He mentioned that the field house is approximately 15,000'.

Acting Chairman Ned Sheats asked if there would be any traffic increase that would affect the neighborhood residents.

Mr. Rick Rivera replied that there would be no traffic, only the students walking from class to class.

Chairman Rene Flores walked in at 5:14 p.m.

Acting Chairman Ned Sheats passed the gable to Chairman Rene Flores

There being no further discussion, Chairman Rene 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: 5:18 p.m.

Ended: 5:28 p.m.

ITEM # 1.5

Rezoning:

**W. ½ of Lot 55,
Sharyland Orchards Subdivision
R-3 to C-3
David Bonilla**

Mr. Bobby Salinas went over the write up stating that the subject site is located 430' south of Business 83 along the east side of Ragland Road. The site's dimensions are 204.19' x 213' (43,492.47 sq.ft.). The lot has it's frontage to Ragland Road.

The surrounding zones include R-4 (Mobile & Modular Home) to the south and C-4 (Heavy Commercial) in all other directions. The surrounding land uses consist of a

daycare on the west, Valley Bowl to the east, mobile homes to the south (Valley View Estates), and an unused portion of land owned by La Playita to the north. The subject site is currently open acreage. The Future Land Use Map reflects a General Commercial (GC) designation.

C-3 is directly consistent with the FLUM designation of GC, the highest and best use for this site is of a commercial nature. The subject site adjoins other, heavier commercial zones where a C-3 would act as a buffer from the R-4 zone to the south. Staff's recommendation was for approval of the C-3 zone.

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

A citizen from the audience asked what the owner was proposing to build at the site.

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

Mr. David Bonilla the applicant stated that he was proposing being the owner of Maxima Xtreme Cheer and Dance and would like to build a gym for kid's ages 4-17. The gym would provide classes for cheer, dance, hip hop, and ballet. The hours would be from 4:30 p.m. to 9:00 p.m. the latest, and maybe 3 hours during the weekend.

Chairman Rene Flores asked if this was a different business from the existing one on Conway.

Mr. David Bonilla replied that since his business has expanded, he wants to buy this property in order to build the bigger gym for the kids. He also mentioned that all the activities will be held inside the building, no activities would be held outside.

Chairman Rene Flores mentioned that Mr. Bonilla had already expressed what his intentions were for the property and now he would like to give the people from the audience the opportunity to express any concerns or comments that they might have.

Mr. Martin Risley, from 2110 Loker and Vice-President of Valley View Estates Committee stated that in the past they had been promised a barrier from the commercial area and their subdivision and nothing has being done. He mentioned that in the past they had problems with noise coming down from the commercial establishments along Business Highway 83 and would like to make sure that a barrier would be required if the project follows through.

Planning Director Daniel Tijerina stated that when you have a commercial zone right next to any type of residential zone the code requires an 8' buffer between the

different zones. He also stated that the request is a change of zone which are not subject to conditions of approval. However, staff would be looking at landscaping, parking, and buffering during the building permit stage.

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

Started: 5:28 p.m.

Ended: 5:34 p.m.

ITEM # 1.6

Rezoning:

**Lots 11 & 12, Block A,
Wright Addition Subdivision
R-2 to R-3
Arturo Gonzalez**

Mr. Bobby Salinas went over the write up stating that the subject site is located at the SE corner of Kika De La Garza Loop and E. 11th Street. The two lots measure 100' x 140' (50' x 140' per lot) which equate to 14,000 sq.ft. with both lots combined.

The surrounding zones include C-1 (Office Building) to the north and west and R-2 (Duplex-Fourplex Residential) to the east and south. The surrounding land uses consist of single family homes to the north, east, and south, and Inter National Bank to the west. The Future Land Use Map reflects a General Commercial (GC) designation along the Kika De La Garza frontage.

The lot's current R-2 zone could allow up to 4 apartments per lot for a total of 8, however, since the applicant wishes to face Kika Loop, he proposes to build 1 complex with no more than 6 apartments within the two lots. Though the FLUM shows the area along Kika De La Garza loop going commercial, the proposed R-3 zone is consistent to the area zoning of R-2s and R-3s; also apartments are not uncommon when fronting a collector street such as Kika Loop. Staff recommended approval to the R-3 zone request.

Mr. Mario Garza mentioned that he does not see any problem with the request.

Mr. Ned Sheats stated that in his opinion it would be an upgrade for the area as to what currently exists and the city needs apartments within walking distance from businesses.

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

There was no response.

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

The applicant Arturo Gonzalez stated that he propose to rezone the property to upgrade the area.

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

Started: 5:34 p.m.

Ended: 5:49 p.m.

ITEM # 1.7

Conditional Use Permit:

**To Keep a 12' x 16' Portable Building for
Use as a Sales Office
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza
C-4
Gilberto Rocha**

Mr. Bobby Salinas went over the write up stating that the site is located 600' east of Stewart Road along the north side of the Expressway 83 Frontage Road. There was a CUP previously awarded for a Cantera sales business; however they never opened the business. The applicant is requesting to lease the site for an auto sales business, utilizing the existing portable building for a sales office.

- **Days & Hours of Operation:** Monday – Friday from 9:00 a.m. to 6:00 p.m. Saturday from 9:00 a.m. to 2:00 p.m.
- **Staff:** 2 employees
- **Parking:** The business requires a minimum of 4 parking spaces. The site has a total of 20 spaces, where the applicant is proposing to utilize some of the spaces along the Expressway frontage for the display of vehicles.

Upon an on-site inspection, staff found that the interior area of the site (north of the paved parking lot) was not a paved surface. Staff is recommending the installation of paving or at a minimum an all-weather surface in order to provide a safe walking surface for customers to view the vehicles located within the fenced portion of the site.

It is noted that the rear of the property will not be utilized for the car lot however, did have remnants of the landscaping business that was previously there, including several wooden trellises that the owner did not want removed by the applicant. Staff is recommending the installation of an opaque buffer fence just north of the current portable.

When the cantera business was proposed the applicant was asked to install stucco on the portable building in order to give the appearance of a permanent building. Staff noticed that the portable was not skirted and must be required. A camouflaged portable next to a site built structure (dialysis/attorney) is not a long term desire of the City when considering aesthetics along major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day, the portable will need to be upgraded with a site built structure.

Staff recommended approval subject to: **1)** 1 year re-evaluation in order to assess the new business, **2)** must provide paving or an all-weather surface north of the parking lot, **3)** install an opaque fence buffer and skirt the portable building, and **4)** must comply with the sign code.

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

There was no response.

Chairman Rene Flores asked if the board had any comments.

Mr. Ned Sheats asked Mr. Bobby Salinas if that was the building that was located along the Expressway and he understands correctly, staff was requiring a buffer between the portable building and the property on the back which would not be used.

Mr. Bobby Salinas replied that it was correct.

Mr. Ned Sheats replied that maybe they would need to look into upgrading the portable building because of the looks of it, it needs more maintenance.

Mr. Bobby Salinas stated that the applicant was planning on installing a skirting and making the building more presentable.

Chairman Rene Flores stated that in his opinion this is a type of building that he wouldn't like to see in Mission and definitely not along the Expressway and the area in question needs an upgrade and allowing this type of building would not bring more business to the area.

Mr. Daniel Tijerina expressed that what was being presented was not the finished product and having talked with the applicant he was willing to comply with all the requirements in order to obtain the business license and have his car lot sales business there.

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

Mr. Rocha, Gilberto Rocha's brother was present representing his brother. He stated that he was told about the meeting this afternoon and that his brother was not able to attend and that was the reason why he was there. He also mentioned that he wasn't sure what his brother's plans were for the property.

Mr. Mario Garza stated that being that the applicant was not there and that Mr. Rocha wasn't sure what his brother was proposing; he would feel better if they 'Table' the item in order to give the applicant time to submit a better layout or pictures of what he was proposing.

After a brief discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to 'Table' the conditional use permit in order to give the applicant an opportunity to present a layout or pictures of what he is proposing to do at the site. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 2.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:49 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission