

PLANNING AND ZONING COMMISSION
MAY 14, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

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

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUEST PRESENT

Ed Vasquez
Leticia & Guillermo Ramirez
Bruce Bridgewater
Roel Buentello
Jorge Pascual, Sr.
Jorge Pascual, Jr.

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 commented that now that we were in the middle of the beautification of the downtown area he would like for the City to be more diligent about Code Enforcement violations to coincide with the beautification that the City is already doing to make sure that the buildings, business owners, and land owners are doing their part to keep this area looking better.

Mr. Daniel Tijerina stated that the City had started a Beautification Committee back in October and staff had a lot of pending cases on some structures along Conway. He added that staff finally got some affidavits that need to be submitted to the court in order to get some search warrants to view the interior structure of the buildings and finally got approval from the City Attorney on that, so we are going to be moving a lot swifter. Mr. Tijerina stated that in regards to signage staff has already looked into several businesses that have temporary signs and landscaping. Mr. Tijerina stated that he appreciated Chairman Flores suggestions and mentioned that staff has been working on this and once we get the pavers, lighting and landscaping along the sidewalks it would be easier to have the businesses comply.

Chairman Rene A. Flores stated that he just didn't want all these investments in beautifying the city not be taken into consideration when the buildings are still going to be in violations.

Mr. Ned Sheats stated that he agreed with Chairman Flores comments but does consider that staff should also look into the signs that are just hanging by themselves or on the poles.

APPROVAL OF MINUTES FOR APRIL 23, 2014

Chairman Rene A. Flores asked if there were any corrections to the minutes for April 23, 2014. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:08 p.m.

ITEM #1.1

Conditional Use Permit:

**To Install 3 new 35' Rohn Towers to provide
Wi-Fi Service to Chimney Park Resort & R.V. Park
4224 S. Conway
Chimney Park Resort & R.V. Park (U/R)
AO-I
Chimney Park Resort & R.V. Park
c/o Bruce Bridgewater**

Mr. Bobby Salinas went over the write-up stating that the site is located approximately $\frac{1}{4}$ mile south of Los Indios Road & Conway Avenue off of Chimney Road. (Chimney Park Resort & R.V. Park) Access to the site is provided through Chimney Road. Coba Systems is proposing to install 4 – 35' tall self-supported Rohn towers within Chimney Park in order to provide Wi-Fi service to the entire park. The four towers will be privately owned and maintained by Chimney Park and will be completely within the R.V. park property.

1.36(3)(d) of the City's Zoning Code requires 'broadcast towers for radio, television, or microwave' to obtain a conditional use permit. These towers will be installed by Coba systems which will then broadcast Wi-Fi service from an existing 100' tower located within Martin Valley Ranch.

REVIEW COMMENTS: Since the towers will be within private property, and the overall height is very similar to other towers that are within the City, Staff does not object to the installation of the new privately owned towers for Wi-Fi service to Chimney Park.

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. Bruce Bridgewater whose address is 1312 Oriole in McAllen, stated that his company Coba Systems supplies Wi-Fi services in almost all the RV parks in the valley. He added that they recently came before the Board about two months ago for Lemon Tree RV Park. Mr. Bridgewater stated that this was just to give Wi-Fi services to the Winter Texans and the residents in that area. He added that there were no Time Warner services in that area and AT&T services were very limited because of them being so close to the levee.

Mr. Ned Sheats asked if they had taken the altitude into consideration for these towers considering that on some occasions the helicopters were in the area for surveillance.

Mr. Bridgewater stated that the towers were only 35' tall.

Chairman Rene A. Flores asked how soon he was proposing to start construction.

Mr. Bridgewater stated that as soon as the City Council approved the request.

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

Started: 5:08 p.m.

Ended: 5:16 p.m.

ITEM #1.2

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic Beverages- Jall's Sports Bar & Grill
1810 W. Griffin Parkway, Stes. B, C, & D
Lots 7 & 8, Inspiration Point Subdivision, Ph. I
C-3
Leticia Ramirez**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 300' from the NW corner of Inspiration Road and Griffin Parkway. The site consists of three buildings that share the same parking area. The proposed sports bar will be utilizing an existing building that contains 4 suites. They are proposing to remodel 3 out of the 4 suites in order to make the sports bar. Access to the site is Griffin Parkway.

- **Hours of operation:** Monday – Sunday from 11a.m. to 12a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 59 total seating spaces for the sports bar, which require 20 parking spaces (59 total seating spaces/3 = 19.6 parking spaces). It is noted that the parking area is held in common (98 existing parking spaces) and is shared with other suites. The parking area will need to be re-striped (by owner or applicant).
- **Landscape:** In regards to landscaping, there are existing green areas and landscape islands with trees within the parking lot along Griffin Parkway however we do recommend that they be watered and maintained. Staff also noticed that the existing dumpster located at the rear of the lot did not have proper screening. The applicant/owner should install a 6' block wall with opaque gates in order to provide the proper trash containment area.
- **Noise Code:** In speaking to the applicant, they will only have a jukebox, no live bands or karaoke are being proposed.
- **Sale of Alcohol –** The applicant is proposing to have a full bar available. Section 1.56(3)(a) states that bars must be at least 300' from the nearest residence. There is an existing residential subdivision located along the north side of the site.

- Must comply with Building, Signage, Fire & Health Codes and must obtain a Business License.

REVIEW COMMENTS: In viewing the proposed menu, it is easy to see that the primary intent of this CUP is not mainly a restaurant. Since this request is primarily for a bar, Staff is recommending a TABC Conduct Surety Bond. The bond will help ensure that the business conducts itself in an orderly manner and complies with TABC requirements. Also, the sports bar is proposing its hours of operation to close no later than 12 a.m. throughout the week (even on weekends). These proposed hours, to a certain extent, aid in allaying our concerns to the fact that it is a sports bar. Staff does not object to an initial approval for 1 year to see how this new operation works out, but is open to suggestions if a shorter tenure is desired by P&Z.

RECOMMENDATION:

Staff recommends approval for 1 year subject to:

1. Waiver of the 300' separation requirement from the residential homes;
2. Must comply with all Fire, Health, and Building Code requirements;
3. Must re-stripe the parking area and maintain their landscape area;
4. Must comply with TABC requirements and provide a Conduct Surety Bond;
5. Must obtain a business license prior to 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. Leticia & Mr. Guillermo Ramirez who resides at 3421 N. Moorefield Road were present to address any questions from the Board.

Chairman Rene A. Flores asked if they had any experience on a bar business.

Mrs. Ramirez stated that she didn't.

Mr. Ramirez stated that he did. He added that he worked for about 12-15 years in the hotel business in McAllen.

Chairman Rene A. Flores asked if they owned or rent the building.

Mrs. Ramirez stated that they owned the building.

Chairman Rene A. Flores stated that staff was usually more cautious with any application dealing with the sale of alcohol. He added that staff holds the business owners more responsible especially because they deal with alcohol. Mr. Flores stated that any calls reported to the Mission Police Department are forwarded to P&Z for consideration on any renewal permit. He asked if they understood staff's recommendations.

Mr. Ramirez replied, "Yes, and they would be complying with them."

Chairman Rene A. Flores asked Mr. Ramirez if he could address the issue of the sofa on the back of the building.

Mr. Ramirez stated that he was not aware he could not have it there but would have it removed.

Mr. Ned Sheats stated that if they realize that if the Board approves this conditional use permit, they could only be open until 12 p.m., even though TABC allows them to be open until 2 a.m.

Mr. Ramirez replied, "Yes". He added stated that they would like to keep it more family oriented and not a nightclub.

Mr. Ned Sheats stated that he was glad to hear that but a sports bar could get very rowdy. He added that he was a little concern because he was only proposing to have 5 employees on staff for that size of the building. He suggested they have some security guards.

Mrs. Ramirez stated that they were planning to be at the location to take care of their business.

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

Started: 5:16 p.m.

Ended: 5:20 p.m.

ITEM #1.3

Conditional Use Permit Renewal:

**Repo-Service "Office Use" in an AO-I Zone
2500 N. Moorefield Road
A 10 ac. tract excluding the 1.14 ac. out of
Lot A, B.L. Millers Subdivision
AO-I
Roel Buentello**

Mr. Bobby Salinas went over the write-up stating that the subject site is located ¼ mile north of Griffin Parkway along the east side of Moorefield Road. There is a 1,500 sq.ft. masonry home on the property that the applicant has been leasing. He has also constructed a 90'X80' fenced impound area for the repossessed vehicles. Access to the site is through a paved driveway along Moorefield Road.

This CUP was most recently approved by P&Z on 12-12-12. Mr. Buentello has been operating his Repo-Service over the past year without any major incidents and has been in operation since 4-15-09. He is now requesting a renewal of the CUP.

- Hours of Operation:** Monday – Friday from 8a.m. to 5:00p.m.

- **Staff:** 1 full time employee and 1 part-time driver
- **Parking:** During the 4-15-09 approval, P&Z approved the CUP with the requirement of installing a minimum of 4 paved parking spaces. On 9-22-10 the parking space requirement was removed since there is no interaction with customers *on-site* and 9 out of 10 vehicles get returned to dealerships.
- There is no ground pole sign permitted for this CUP.

REVIEW COMMENTS: Notices have been sent to property owners within 200' of this CUP site. Since Staff has not received comments for or against this request, we recommend extended approval tenure for this CUP.

RECOMMENDATION: Staff recommends 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. Roel Buentello whose address is 1701 Falcon Avenue in McAllen was present to address any question from the Board.

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

Started: 5:20 p.m.

Ended: 5:24 p.m.

ITEM #1.4

Conditional Use Permit Renewal:

**Auto Mechanic Shop in an AO-I Zone
1603 Adams Street
A .85 acre tract of land out of Lot 23-1,
West Addition to Sharyland Subdivision
AO-I
Marco A. Hinojosa, Sr.**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 105' north of W. 18 Street along the west side of Adams Street. The lot measures 100' x 368.5' (36,850 sq.ft.). The site currently has an existing masonry building with four bays for auto mechanic work. The applicant obtained a CUP to re-open the auto mechanic shop on 5-28-13 for a period of 1 year. Access to the site is from Adams Street.

- **Days / Hours of Operation:** Monday – Saturday from 8a.m. to 6:00p.m.
- **Staff:** 2 employees will run the shop
- **Parking:** There is a large asphalt area available for customer parking. There is enough room for 10+ to be parked on site.

- Must continue to comply with Fire and Building Codes.

REVIEW COMMENTS: This mechanic shop is in the midst of a residential neighborhood and has been for several years. Staff sent notices to property owners within 200' of the site and has not received any complaints in regards to the shop.

RECOMMENDATION: Staff recommends approval for 1 year subject to continuing to comply with all Fire & Building codes.

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. Daniel Tijerina stated that Mr. Hinojosa was unable to attend the meeting due to a medical emergency.

Chairman Rene A. Flores suggested that they increase the time frame approval to be 3 years.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit for 3 years and as per staff's recommendations. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:31 p.m.

ITEM #2.0

Conditional Use Permit Renewal:

**Manufacturing & Packaging of Ice Cream
& Chicharrones in a C-3 Zone
204 W. Tom Landry
Lots 3-6, Block 175,
Mission Original Townsite Subdivision
C-3
Jorge Pascual**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NE corner of Perkins and Tom Landry. The applicant is proposing to renew his CUP to manufacture, process, package, and store ice cream and chicharrones within his existing C-3 ice cream business.

The Zoning Code requires the "manufacturing...processing, packaging of food products" to be done within an I-1 (Light Industrial Zone). However, any I-1 permitted use may be permitted within a C-3 with a CUP (Zoning Code, Art. VIII, Sect. 1.43 (3)(i)).

The applicant hasn't been able to start the manufacturing of chicharrones due to lacking one of the machines. He did state that he anticipated starting sometime this month. Once he begins

the business he will utilize 1 frying machine for the chicharrones and 1 machine for making the ice cream. Once the products are packaged, the chicharrones are stored within the same building, while the ice cream is stored in their existing freezer building. This CUP was originally approved by P&Z on 4-10-13.

- **Hours of operation:** Monday - Saturday from 8am to 4pm.
- **Staff:** There will be 4 employees operating the business.
- **Parking:** The applicant is currently remodeling/adding to and improving the existing ice cream business. There are 24 parking spaces to accommodate customers and their delivery trucks. The applicant has also installed buffer fencing along Tom Landry which aids in screening the ice cream delivery trucks from the public view.
- Must comply with all Building, Fire, and Health Codes.
- Must acquire a business license.

REVIEW COMMENTS:

Staff feels that when this business venture is in full operation, it will be a great asset to the current business site. P&Z has reviewed and approved two other similar requests for the manufacturing and processing of food products. Staff has not received any comments for or against this proposal.

RECOMMENDATION: Staff recommends approval for 1 year subject to:

1. Compliance with all Building, Fire, and Health Codes; and
2. Acquiring a business license and any health cards that may be required.

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.

The applicant Mr. Jorge Pascual was present to address any question from the Board.

Chairman Rene A. Flores congratulated Mr. Pascual on the improvements that they have done to this location.

There being no discussion, Chairman Rene A. Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit for 3 years and as per staff's recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:30 p.m.

Ended: 5:37 p.m.

ITEM #2.0

Amendment of Section 98-144n of the Code of Ordinances of the City of Mission, Texas regarding the Park Dedication Requirements

No action taken on this item.

Mr. Bobby Salinas reiterated the invitation for the Workshop for Planning Commissioners, Elected Officials hosted by the APA if anyone was interested.

Mr. Daniel Tijerina introduced Juan Jose Rodriguez, our new Deputy City Manager.

Mr. Rodriguez stated that he was happy to be part of the City of Mission and was looking forward to working with City, staff, and Board Members.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ned Sheats to adjourn the meeting. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:34 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission