

PLANNING AND ZONING COMMISSION
JULY 13, 2011
CITY COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Marisela Marin
Carlos Lopez
Mario Garza
Rene Flores

P&Z ABSENT

Luann Caudle
Jose G. Vela

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Sonia Carnes
Irasema Dimas

GUESTS PRESENT

Joe B. Garza
David Salinas
Agustin Martinez
Maria Calderon

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry by Chairman Sheats.

APPROVAL OF MINUTES FOR JUNE 22, 2011

Chairman Sheats asked if there were any corrections to the minutes for June 22, 2011. There being no corrections, Mrs. Marin moved to approve the minutes as presented. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:04 p.m.

ITEM # 1.1

Rezoning:

**A .29 acre tract of land out of Lot 19-3,
West Addition to Sharyland Subd.
AO-I to R-1
Tony Martinez**

Mr. Salinas went over the write up stating that subject is located 850' north of Expressway 83 along the east side of Los Ebanos Road. This site underwent the Single Lot Variance process in efforts to comply with subdivision requirements. The surrounding zones include Agricultural Open Interim (AO-I) to the north, east, and south; Mobile and Modular Home (R-4) to the west. The existing land uses include Single Family Residence to the north; Open Acreage to the east; Mobile Home Subdivision to the west, Open Acreage/Residential to the south and Open Acreage (existing home was demolished) at the site. The Future Land Map reflects General Commercial (NOTE: there are residences to the north and south). Previously, there was a weathered residence on the property but has since been removed. A new residence is desired to be built on the property. R-1

will not be detrimental to the general area. Staff recommended approval to the R-1 zone request.

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.

There was no response.

There being no comments, Mr. Garza moved to approve the R-1 zone as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:07 p.m.

ITEM # 1.2

Rezoning:

**The West 125' of Lot 85,
Mission Acres Subdivision
C-2 to R-1
Agustin Martinez**

Mr. Salinas went over the write up stating that the site is located at the SE corner of Blake and Adams. It has 125' of frontage on Blake, and 120' frontage on Adams. The surrounding zones include Single Family Residential (R-1) to all directions. The land uses reflect open acreage to the west and single-family residences in all other directions. The subject site has a home with an addition, which was previously a convenience store (thus the C-2 zone) though the 'store' component has transitioned into a bedroom & a residential den. The Future Land Use Map reflects Low Density (LD) Residential. The R-1 application is consistent to the surrounding land uses, surrounding zonings, and the FLUM. Staff recommended approval to the R-1 zone request.

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

Mrs. Maria Calderon from 1622 Blake stated that they were worried that the property owner would be building apartments on the property.

Mr. Salinas replied that the zone request only allows one house per lot.

Chairman Sheats asked if the applicant or representative were present.

Mr. Agustin Martinez was present to answer any questions from the board.

There being no other comments, Mr. Garza moved to approve the R-1 zone as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:11 p.m.

ITEM # 1.3

**Rezoning: 2.41 ac. consisting of all
Of the West 236.67' of Lot 1,
Falcon Bank – Sharyland Subdivision
C-3 to R-3
New Millennium L. Investments, Inc.**

Mr. Salinas went over the write up stating that the subject site is located ¼ mile south of Business 83 along the west side of Shary Road, it does not front Shary, though. The surrounding zones include Heavy Commercial (C-4) to the north and south and east, and Agricultural Open Interim (AO-I) to the west. The surrounding land uses consist of a commercial business to the north, a heavy equipment sales business to the south, open acreage to the west and east. The subject site is currently open. The Future Land Use Map reflects a General Commercial (GC) designation. The subject site will have frontage to a new city street and will not front Shary Road. Condo's (a multi-family residential setting) is not un-common to have as an adjoining neighbor to commercial areas. Also, R-3 is a viable transitioning land use as one-steps away from a major thoroughfare. Staff recommended approval to the R-3 zone request.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mr. David Salinas the project engineer was present to answer any questions from the board.

Mr. Flores asked what was the owner proposing to build in the site.

Mr. Salinas replied that the owner was proposing to build 10 story apartment towers.

There being no other comments, Mr. Garza moved to approve the R-3 zone as recommended by staff. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:15 p.m.

ITEM # 2.0

Pre-Final Plat Approval:

Samantha Subdivision

10 acres being all of Lot 32, Block 16

Texan Gardens Subdivision

Rural ETJ

Developer: Juan Ortiz

Engineer: Javier Hinojosa Eng.

Mr. Salinas went over the write up stating that the 10 acre site is 600' north of 4 Mile Road along the west side of Texan Road, and is in Mission's rural ETJ. Additional ROW is dedicated pursuant to the MPO Thoroughfare Plan being 50' ROW centerline for Texan Road. The street system reflects a primary cul-de-sac and a stub to the south to be extended by others and interface eventually to 4 Mile Road - - the street proposal complies with the prevailing standards and requirements of the County, i.e., 50' ROW w/32' B-B pavement section.

The engineer's drainage report reflecting a series of side/rear swales, as maintained by the property owners, has been reviewed/approved by the Hidalgo County Drainage District # 1. All 15 lots are compliant to the minimum 1/2 acre requirement where septic tanks will be used.

AGUA SUD has an existing 8" water line along Texan Road that will be tapped-into by the developer's new 8" system to serve all the lots (stubbing the water line to the southern street stub, too). There are 2 fire hydrants placed at junctures approved by the Fire Marshal's office. This plat complies with Mission's standards for rural ETJ subdivisions. Staff recommended approval subject to resolving minor format findings, e.g., fixing spelling in plat notes, etc.

Chairman Sheats asked if the applicant or representative were present.

Mr. Joe B. Garza representing the applicant was present to answer any questions.

There being no other comments, Mr. Flores moved to approve the pre-final plat as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:40 p.m.

ITEM # 3.0

Discussion and Action on Proposed Amendment to Zoning Ordinance to Include 'Gun Shooting Range' as a Conditional use Permit in the General Business (C-3) Zoning District

Mr. Zavala stated that the City of Mission was approached several weeks ago from a commercial operator desiring to build a shooting range. This topic had been the subject of several administrative meetings involving the City Manager's Office, the City Attorney's Office, the Police Department, the Fire Department, and Planning.

It was the consensus of staff, inclusive of our City Attorney, that new regulations should be established for such a proposed facility. It was quickly considered that this should not be a '*permitted use*' but should be a '*conditional use*' so that during the public hearing process, adjoining property owners would be alerted, attend the public hearing, and be informed as to the merits of the facility.

In assessing legislative '*conditional use*' parameters that would be reasonable for the operator but also for the surrounding properties, Staff presented the measures shown below:

Section 1.56-10, Zoning Ordinance, Gun Shooting Range:

1. Gun Shooting Range must be an indoor facility where the actual discharging of firearms will take place though some congregation/waiting areas may be '*open*'.
2. Sound abatement technology to be properly used so that the noise decibel level will not be over 70 decibels at a distance of 200' from the facility.
3. The hours of operation for the facility located within 300' of residential properties shall not be after 8 p.m.
4. The Backstop(s) and Bullet Trap(s) must be pre-approved by the City of Mission.
5. There shall be no alcohol permitted on the property inclusive of BYOB proposals.
6. The Ventilation system must be engineered to safeguard the patrons, et.al., from exposure to lead.
7. Rules and Regulations to be enforced by the operator are to be filed with the City of Mission for review; to include that patrons wear ear/eye protection, a Maintenance Plan to assure that the equipment is functionally safe and in order, etc.
8. Must comply with all prevailing County, State, and/or Federal regulations; to include but not be limited to the Resource Conservation & Recovery Act (RCRA).
9. Other measures that the City of Mission perceived was reasonable to maximize the health and safety of the patrons and/or the surrounding neighborhood(s).

The above requirements are typical to an applicant desiring an indoor shooting range. Any CUP must be first presented to the Planning Staff for pre-clearance where the PD/Fire will also review the proposal. Thereafter, the matter will be presented to the P&Z where the adjoining public will be invited to the forum for

their input. Thereafter, the City Council will review the indoor shooting range in a second public hearing and then determine whether to approve it or not.

Staff believed that the proposed measures were reasonable, and should maintain the quality of life in Mission while enhancing education and firearms skills of its patrons.

Chairman Sheats asked if the applicant or representative were present.

There was no response when asked for public input.

Thereafter, the P&Z took one measure at a time for discussion with the instruction given to add language on '*storage of gun powder*' and '*reloading of firearm policies*' to be provided by the applicant in #7 above; that the facilities be non-smoking; that the starting hours of operation should be disclosed to be possibly CUP-regulated.

Police Chief Leo Longoria testified that the measures proposed were reviewed and seemed reasonable. He liked the proposal to have Mission residents be educated citing an example of an elderly woman "*packing*" a firearm and hoped she knew how to use it.

After a brief discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the proposed amendment as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 4.0
ADJOURNMENT

There being no further items for discussion, Mr. Garza moved to adjourn the meeting. Mrs. Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:43 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission