

**PLANNING AND ZONING COMMISSION  
JULY 23, 2014  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Marisela Marin  
Mario Garza  
Carlos Lopez  
Diana Izaguirre

Ciro Ochoa Jr.  
Juan G. Ramos  
Ophelia Rodriguez  
Richard L. Rodriguez  
Richard E. Elliott

**P&Z ABSENT**

Rene A. Flores  
Abiel Flores

**GUEST PRESENT**

Veronica De La Fuente  
Anissa Gonzalez  
Juanita Perez  
Deborah Bray  
Guadalupe Salinas

**STAFF PRESENT**

Bobby Salinas  
Patricio Martinez  
Susana De Luna  
Anna Carrillo

Amancio F. Chapa  
Eriberto Rodriguez  
Edna Davila Salinas  
Maria Del Socorro Gonzalez

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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

There was no response.

**APPROVAL OF MINUTES FOR JULY 9, 2014**

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for July 9, 2014. Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:16 p.m.**

**ITEM #1.1**

**Rezoning:**

**The NE 8.97 acres out of Lot 21-4,  
West Addition to Sharyland Subdivision  
(AKA Leo Marcell Elementary School)  
R-1 to P  
Mission CISD**

Mr. Bobby Salinas went over the write-up stating that the site is located on the NW corner of W. 10<sup>th</sup> and Holland Avenue. This area is the Leo Marcell Elementary.

**SURROUNDING ZONES:** The current zones include AO-I to the north east of the site and R-1 in all other directions.

**LAND USES:** The surrounding land uses consist of an irrigation canal to the NE area of the site and single family homes in all other directions. The subject site is the location for Leo Marcell Elementary School and consists of other accessory facilities.

**FLUM:** The Future Land Use Map reflects a Public (P) designation.

**REVIEW COMMENTS:** The Public zone was created for all public facilities such as City, County, Federal buildings; Churches; and Schools to fall within this zone. MCISD wishes to comply with this new zoning requirement.

The P zone proposal and the existing use is directly consistent to the City's Future Land Use designation of Public (P). The existing school use and any future construction/use is exactly what the P zone is intended to regulate.

**RECOMMENDATION:** Staff recommends approval.

Vice-Chairman Ned Sheats stated that he has heard that there have been tons of misinformation flying around about this particular rezoning. He added that the item before the P&Z Board was to change an existing residential zone which is the zone the school is in currently to a Public zone which is in accordance to the new zone the City Council adopted. Mr. Sheats added that all staff would be doing is changing a map and as far as the use, it will still remain a school contrary to the misinformation that has been said. There will not be any apartments built, and the school will not be torn down. He mentioned this was just strictly an administrative change to the zoning. He then asked if there was any public opposition or anyone needed clarification in regards to the request.

Mr. Amancio F. Chapa who resides at 1122 Berry Street which was directly on the west side of Marcell Elementary School stated that there were questions in which the neighborhood and he had some concerns. Mr. Chapa asked if Marcell was the only school changing its zoning designation to public.

Vice-Chairman Ned Sheats stated all of them will sooner or later be changed. He added that the only reason this school was changing was because the school system was most likely bringing in some portable classrooms and since there is a change within their particular property the property needs to be zoned correctly.

Mr. Chapa asked if they were going to be bringing in some classrooms.

Vice-Chairman Ned Sheats stated that there was a possibility and the only reason they come before P&Z is when they are going to do a change.

Mr. Chapa asked if the property was going to be used in any other way, would the community or the surrounding neighborhood have to approve of it or be notified of any changes?

Vice-Chairman Ned Sheats stated that they did not necessarily have to approve of it but in any situation the City was required to notify surrounding property owners within a 200' radius if there is any change in zoning.

Mr. Chapa asked if the plans were just to keep the property exactly as is.

Vice-Chairman Ned Sheats replied, "That's correct". He added that there would be no apartments, no houses, no tearing down the school. Mr. Sheats stated that there would be no change in usage.

Mr. Chapa asked if they would be given a time line as far as how long that no change would be.

Vice-Chairman Ned Sheats stated that would be up to the school.

Mr. Chapa stated that then they could change their mind next year and go to something else.

Vice-Chairman Ned Sheats stated that they could but staff has no information of any future changes.

Mr. Chapa asked when the other school would be changing their zone to Public.

Mr. Bobby Salinas stated that it was all dependent on whether they would be doing a remodeling, addition, any changes or if the school wants to do it on their own, which would be better that way they could take care of all of them.

Mr. Chapa asked for reassurance that the school was staying exactly as it was.

Vice-Chairman Ned Sheats replied, "Yes".

Mr. Chapa mentioned that to them it was the wise thing to do since they had spent a significant amount of money remodeling it a few years ago.

Mrs. Deborah Bray who resides at 1110 Berry Street stated that this board has talked about not tearing down the school, and future constructions but what about their homes.

Vice-Chairman Ned Sheats asked what about their homes.

Mrs. Bray asked if they were going to tear down their homes to make the school bigger.

Vice-Chairman Ned Sheats replied, "No". He added that the school would need to make her an offer to buy her property first if they wanted to use her property but staff had no information on any future school expansions.

Mrs. Bray asked why they were making the change if there was no reason for this change other than spending the taxpayer's money.

Vice-Chairman Ned Sheats stated that the reason for the change was because the school wanted to comply with the new Public zone that the City has adopted for an institutional use. The new zone was for any public facilities such as City, County, Federal buildings; Churches; and Schools.

Mrs. Bray stated that they were changing the zone so that later they could buy them out and make their school bigger.

Vice-Chairman Ned Sheats stated that the only property being rezoned were within the boundaries of the school they were neither changing anything outside their property nor asking to change anything outside their property.

Mrs. Bray mentioned that in the map they received with the notice it indicates that her property was going to be changed to public.

Mr. Salinas explained to Mrs. Bray that only the area shaded and labeled as site on the map was going to be rezoned to public, which was only the Marcel Elementary. This would not affect the homes that are along Berry St., Burrus, Bowen and Barnes. He added that her property was within the circle that surrounds the Marcell Elementary site and that circle determines which properties are within the 200' radius and should receive a notice.

Mrs. Bray stated that she was still not convinced and wanted assurance that the City would not come in 10 years and tell her that her property was considered public zone.

Vice-Chairman Ned Sheats stated that her property was not public zone and would not be considered as such because it was not a school, church or government entity that was what Mr. Salinas was trying to tell you.

Mrs. Bray just wanted assurance that nobody would come in 10 or 15 years and take her property for pennies on a dollar.

Vice-Chairman Ned Sheats stated that he could not tell her what will happen in 10 or 15 years with that property all he could say was that the future land use map reflects that area as single family residential and didn't have any other information that would suggested otherwise.

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

There was no response.

There being no further discussion, Vice-Chairman Ned Sheats 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: 5:16 p.m.**

**Ended: 5:26 p.m.**

**ITEM #1.2**

**Rezoning:**

**The N. 300' of Lot 3,  
The Retreat at Cimarron Subdivision  
R-3 to C-2  
Desarollos Mosi, LLC  
Sergio Molina c/o Veronica De La Fuente**

Mr. Bobby Salinas went over the write-up stating that the site is located on the SE corner of Expressway 83 and Glasscock Road. The area desired to be rezoned measures 300' x 300' (90,000 sq.ft.)

**SURROUNDING ZONES:** N: C-3 – General Business (Across Expressway 83)  
E: PUD – Planned Unit Development  
W: C-3 – General Business  
S: R-3 - Multi-Family

**EXISTING LAND USES:** N: Car Lot (Payne Mission)  
E: Single Family Home  
W: Open Acreage  
S: Open Acreage and Condominiums

**FLUM:** The Future Land Use Map reflects a High Density (HD) designation.

**REVIEW COMMENTS:** You may recall this site being proposed for a C-3 rezoning on 8-28-13, where the C-3 was approved by P&Z but did not complete the rezoning process with City Council. The applicant is now requesting another commercial rezoning, however this time for a C-2. Since this rezoning has more control in regards to the types of businesses that can be placed, i.e. no restaurants without a CUP, no hotels, etc., a C-2 zone seems reasonable due to the following:

1. C-2 zones lend themselves to be within or near residential areas in order to serve the surrounding neighborhoods.
2. The proposed rezoning is located on a hard corner, off of Expressway 83 and Glasscock Rd., one road being a major corridor and the other being a collector street which lends itself to a commercial zone/use.
3. The C-2 zone will regulate the types of businesses, thus regulating the amount of traffic created as well.
4. Staff sent out notices within 200' of the site and have not received comments for or against the rezoning.

**RECOMMENDATION:** Staff recommends approval.

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

There was no response.

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

Attorney, Ciro Ochoa & the applicant, Mrs. Veronica De La Fuente were present to address any questions from the Board. Mr. Ochoa mentioned that this Board had previously approved the rezoning. He added that they have been working with TXDot to resolve the issue with the entrance & exits, which would be addressed by the P&Z and City Council if the rezoning is approved. Mr. Ochoa mentioned that they plan to have office spaces which would not be detrimental to the surrounding neighborhood and would be better than what is next door.

Vice-Chairman Ned Sheats stated that he didn't know what was next door to this property.

Mr. Ochoa stated that it was an empty field.

Mrs. Marisela Marin stated that it was farm land.

Mr. Ochoa stated that it was farm land but had a C-3 designation.

Vice-Chairman Ned Sheats asked Mr. Bobby Salinas if they were required to submit a site plan.

Mr. Salinas stated that during the re-subdivision process staff could add a plat note that would require a P&Z site plan approval prior to issuing the building permit.

Vice-Chairman Ned Sheats asked if they had two streets named Brazos.

Mr. Salinas replied, "Yes". He added that they were Brazos Street & Brazos Court.

Vice-Chairman Ned Sheats asked if because of the shortened Brazos Street were they not going to be able to place a cul-de-sac? Were they going to build two alleys one going to Glasscock and another to the larger Brazos.

Mrs. De La Fuente stated that they will be having a cul-de-sac and they had mentioned previously that they would adjust to whatever modifications the City had for 911 and entry purposes. She added that they were going to do a cul-de-sac on the empty part and another exit point through Brazos Street.

Mrs. Marisela Marin mentioned that she recalled that the main concern was the entrance from the frontage road and TXDot would determine whether and where it would be allowed.

Vice-Chairman Ned Sheats asked what TXDot had decided.

Mrs. De La Fuente stated that they need the approval first from the City in order to invest in the engineering because it about \$20,000 and they didn't want to invest in the property if they couldn't get the rezoning approved.

Ms. Diana Izaguirre stated that she didn't think it would be a big of a problem because it is usually a problem when it goes to an access ramp to the Expressway that's when it becomes a really big problem but since they were nowhere near 100' from one.

Mr. Salinas stated that this would be the reason to bring the site plan approval to P&Z so that this could be looked at.

Ms. Diana Izaguirre stated that the only item being considered was the rezoning.

Vice-Chairman Ned Sheats stated that he didn't see a problem since they were applying for a C-2 zone versus a C-3 but would like to see the site plan for approval because his concern was having another entrance on the Frontage Road.

Mrs. Marisela Marin stated that her main concern was exiting into the residential.

Mr. Ochoa mentioned that whether they built apartments or houses they would still need to have an entrance into it anyway.

Mrs. Marisela Marin stated that they were not apartments because it currently had a C-3 zone.

Mr. Salinas stated that it actually had an R-3 zone, which is multi-family residential.

Mrs. De La Fuente stated that they currently had condominiums.

Mrs. Marisela Marin stated that it was conducive with that area.

Mr. Ochoa stated that it would actually be less traffic. He mentioned that his dispute with TXDoT is that it is safer to have them enter off of Glasscock.

Ms. Izaguirre stated that TXDoT followed their rules and regulations that are based on the speed of the road.

Mrs. Marisela Marin asked if they were planning to widen Glasscock.

Mr. Salinas replied, "Yes, Glasscock would be widened during the subdivision stage".

Vice-Chairman Ned Sheats asked them to consider buffering.

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

**Started: 5:26 p.m.**

**Ended: 5:38 p.m.**

**ITEM #1.3**

**Conditional Use Permit:**

**Place a Portable Building for the  
Sale of Sno-Cones & Snacks -  
Frosty's Snowballs & Snacks  
1204 N. Conway Avenue  
Lots 3 & 4, Block 201, Mission Original Townsite  
C-3  
Jeremy Hoodenpyle**

Mr. Bobby Salinas went over the write-up stating that the site is located 150' north of 12<sup>th</sup> St. along the east side of Conway Blvd. The applicant has been authorized by the owner of the property to place his portable sno-cone stand along the north side of the property. The owner has authorized the use of the restroom facilities at his business.

- **Hours of operation:** Monday – Saturday from 12p.m. to 6p.m.
- **Staff:** There will be two employees operating the stand.
- **Parking:** Typically, parking reflects a need of 20 parking spaces (1 for the first 400sq. ft. then 1 space for every 400 sq.ft. thereafter). This property is located within Mission's Central Business District (CBD). Section 110-471 of the Traffic and Vehicles Code exempts existing commercial structures that are located within the CBD from meeting the parking requirements. However, new business proposals are not included in this exemption. The portable building requires a minimum of 4 spaces. The site currently has approx. 5 spaces that need to be re-striped.
- **Landscaping:** In viewing the site, there is primarily asphalt along Conway. The only areas that could support additional landscaping are located along the sides of the building. The applicant may be able to install some additional landscaping along these areas.
  - Must meet the City's Sign Ordinance
  - Requires the approval of the Health Department
  - Skirting for the portable must be installed prior to occupancy
  - A business license is required prior to occupancy

**REVIEW COMMENTS:** The City of Mission is in the process of upgrading the aesthetics of the Central Business District with a \$2 Million+ dollar streetscape improvement project along Conway. This site is directly within the area that is going to be improved. Staff is not inclined to recommend favorably to placing portable buildings in an area where the City is attempting to enhance the downtown area. However, we do understand that there are entrepreneurs out there trying to offer their products to the general public that are simply asking for an opportunity to start a small business in order to hopefully be profitable enough to become a more permanent type of business. With that said Staff has the following recommendations.

**1<sup>st</sup> RECOMMENDATION:** The City is in the process of revitalizing downtown. A portable building in this area will detract from the City's efforts to enhance downtown. Staff recommends denial.

**2<sup>nd</sup> RECOMMENDATION:** Staff recommends approval for 1 year subject to:

1. Re-stripe the parking lot;
2. Provide additional landscaping;
3. Must meet the City's sign ordinance;
4. Approval by the Health Department (Health Cards, etc.);
5. Install skirting on the building
6. Acquisition of a business license.

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

There was no response.

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

Mr. Jeremy Hoodenpyle who resides at 3002 Perkins stated that he purchased this unit in September of last year and had placed it on 7 Mile & Conway unfortunately that was more through traffic so it didn't work out. Mr. Hoodenpyle mentioned that he met the owner of Chapman Distribution and he gave him permission to put his portable building at this new location hoping it would attract more people for both businesses. He added that he had a good product, a good looking trailer which met all the requirements imposed from the County since it used to be at 7 Mile line & Conway. Mr. Hoodenpyle asked the Board to consider any favorable decision on his request.

Vice-Chairman Ned Sheats stated that the County was more lenient with this type of structures than the City. Also, the City of Mission has invested millions of dollars in trying to improve the Conway corridor which he might not be aware of. Mr. Sheats stated that he had drove to other cities to see how many portable buildings he could find on major road and he didn't find any.

Mr. Hoodenpyle stated that there was one portable building on 10<sup>th</sup> street.

Vice-Chairman Ned Sheats stated that to him this was the only city that actually allowed these type of structures.

Mrs. Marisela Marin asked where he was proposing to install the structure.

Mr. Hoodenpyle stated that it would be located on the other side of the donation drop box.

Mr. Salinas asked how far from the donation box did he think he would be.

Mr. Hoodenpyle stated that not very far since they needed to run electricity from the building.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin moved to deny the conditional use permit as per staff's 1<sup>st</sup> recommendation. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:38 p.m.**

**Ended: 5:41 p.m.**

**ITEM #1.4**

**Conditional Use Permit:**

**Sale & On-Site Consumption of  
Alcoholic Beverages – Chill X  
1604 E. Griffin Parkway  
Lot 11, Stewart Village Subdivision Ph. I  
C-3  
Chill X c/o Rene & Aracely De La Cruz**

Mr. Bobby Salinas went over the write-up stating that the site is located within the Stewart Village Commercial Plaza on the SE area of Stewart and Griffin Parkway. The applicant currently operates an existing 2,250 sq.ft. Restaurant. This CUP was originally approved on 2-27-13 for 1 year after the acquisition of the business license.

- **Days/Hours of Operation:** Tuesday & Wednesday from 11a.m. to 3p.m., Thursday from 11a.m. to 11p.m., Friday & Saturday from 11a.m. to 12a.m.
- **Staff:** 7 employees
- **Parking Requirements:** The restaurant has 50 seats which require a minimum of 17 parking spaces (50 seats / 3 = 16.6 spaces). It is noted that the parking area is held in common (**517 existing parking spaces**) and is shared with other businesses. Staff has not received any complaints in relation to parking.
- **Sale of alcohol:** Section 6-4 states: "...the sale of all alcoholic beverages within 300 feet of any church, public school, private school or public hospital..., is hereby prohibited. There are no such uses within 300' of this site.
- **Noise Code:** The applicant has talent shows, music shows and comedy in the business. The applicant has assured us that the noise/music level is regulated at all times. Staff has not received any complaints in regards to noise.

**REVIEW COMMENTS:** This business has been in operation since May of last year with no complaints reported in regards to parking or noise. Staff asked Mission PD for any incidents reported in relation to the sale of alcohol. We will have Mission PD's response by the meeting date by which if there are no major reported incidents, Staff would not object to approving this item once again.

**RECOMMENDATION:** Staff recommends approval for 1 year subject to continued compliance with the noise code.

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

There was no response.

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

There was no response.

There being no discussion, Vice-Chairman Ned Sheats 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: 5:41 p.m.**

**Ended: 5:41 p.m.**

**ITEM #2.0**

**Tabled Rezoning:**

**Lots 2 & 4,  
Toellner Subdivision  
R-1 to R-3  
Keystone Construction**

Mr. Bobby Salinas advised the Board that no action should be taken on this item.

**ITEM #3.0**

**ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:42 p.m.

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Ned Sheats, Vice-Chairman  
Planning and Zoning Commission