

**PLANNING AND ZONING COMMISSION  
JULY 24, 2013  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Rene A. Flores  
Ned Sheats  
Marisela Marin  
Carlos Lopez

**P&Z ABSENT**

Mario Garza  
Abiel Flores  
Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Susana De Luna

**GUEST PRESENT**

Father Oliver Angel  
Teodula Cruz  
Norma Jimenez  
Ramiro R. Solis  
Ramiro Leal III  
Oscar Madrigal

**CALL TO ORDER**

Chairman Rene Flores called the meeting to order at 5:10 p.m.

**CITIZENS PARTICIPATION**

Chairman Rene Flores asked if there was any citizens' participation.

There was no response.

**APPROVAL OF MINUTES FOR JULY 10, 2013**

Chairman Rene Flores asked if there were any corrections to the minutes for July 10, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started:**      **5:11 p.m.**

**Ended:**      **5:15 p.m.**

**ITEM #1.1**

**Rezoning:**

**Lots 1-20, Block 7, Lots 1-20, Block 10,  
& Lots 1-20, Block 11, Alta Vista Subdivision  
R-1 to P  
Holy Rosary Church**

Mr. Bobby Salinas went over the write-up stating that the subject site is located at the NE corner of Matamoros and Mayberry Road.

**SURROUNDING ZONES:** Single Family Residential (R-1) to all directions. The site is also R-1.

**EXISTING LAND USES:** Single Family Homes in all directions. The site currently has an existing church located on the eastern area of the site.

**FLUM:** The Future Land Use Map reflects a Low Density (LD) designation.

**REVIEW COMMENTS:** On August 13, 2012, the 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. The applicant is proposing a new 15,540 sq. ft. church facility on the western area of the site. The existing buildings will be used for CCD classes and Parrish Hall. The applicant is requesting to change the zone from R-1 to P in order to be in compliance with the new Public zone ordinance. Notices were sent to property owners within 200' of the site. Staff has not received comments for or against this proposal. Staff recommends approval.

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

There was no response.

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

Representing Holy Rosary Church, Father Oliver Angel stated that he was the pastor for the church. He stated that he has been in Mission for the past 7 years this coming October 1<sup>st</sup>. He mentioned that they were very grateful to have a large community in Mission. He added that they had 6 masses every Sunday this new building would help in lessening the number of masses.

Chairman Rene Flores stated that this was just a formality that needed to be taken care of in order to comply with the City's requirements for the new church.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the request as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started:** 5:15 p.m.

**Ended:** 5:21 p.m.

**ITEM #1.2**

**Rezoning:**

**Lots 9-11, Block 7,  
South Bryan Ridge Subdivision No. 2  
R-1 to C-3  
LE Ortiz Investments, LLC  
c/o Teodula Cruz**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the NW corner of Sonora Street and Bryan Road.

**SURROUNDING ZONES:** N: R-1 – Single Family Residential  
E: R-4 – Mobile & Modular Home  
W: R-1 – Single Family Residential  
S: C-1 - Office Building

**EXISTING LAND USES:** N: Non-Residential Parking lot & Single family home,  
E: Mobile Home Development  
W: Play area & SF Homes  
S: Dentist Office & a Single Family Home

**FLUM:** The Future Land Use Map reflects a Low Density (LD) designation.

**REVIEW COMMENTS:** Though the subject property shows a FLUM designation of LD, a commercial rezoning seems reasonable due to: a widened Bryan Road; other approved commercial rezonings to the north and south along the west side of Bryan Road inclusive of commercial and non-residential uses. Ultimately, the highest and best long term use for these series of lots is not single family residential, and should be of a commercial nature. However, staff feels that a C-3 may be too extensive. The intentions of the persons that will be leasing the property are to open a new daycare.

Daycares are a permitted use within a C-2 zone (Neighborhood Commercial). C-2 zones lend themselves to be within or near residential areas in order to serve the surrounding neighborhoods. C-3 zones open the door to different types of commercial uses that may be detrimental to the surrounding residences, such as mechanic shops, restaurants, etc. In order to protect the existing residential area, staff recommends that the rezoning proposal be downgraded to a C-2 zone. This would still permit the proposed daycare use and protect the neighborhood from heavier commercial uses. Staff recommends approval for a C-2.

Note: Other Commercial Zonings Approved along the west side of Bryan Road within the area.

- 1/8/90 - R-1 to C-1 Lots 12 & 13, Blk. 6, South Bryan Ridge No. 2
- 11/13/91 - R-1 to C-2 Lot 11, Blk. 6, South Bryan Ridge No. 2 (later converted to C-3).
- 11/12/96 - AO-I to C-3 City Plaza & Nuestra Clinica Del Valle
- 3/10/93 - R-1 to C-2 Lots 10 & 11, Blk. 3, South Bryan Ridge
- 2/20/04 - C-2 to C-3 Lots 10 & 11, Blk. 2, South Bryan Ridge
- 3/22/10 - R-1 to C-1 Lot 9, Blk. 8, South Bryan Ridge No. 2

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

There was no response.

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

Mrs. Teodula Cruz of 3002 N. Glasscock was present to address any questions from the Board.

Chairman Rene Flores asked Mrs. Cruz if she understood that even though she had applied to rezone the property to C-3 staff was recommending downgrading to a C-2 zone in which a daycare would be permitted.

Mrs. Cruz stated that she was willing to accept the C-2 zone as long as a daycare would be allowed. She mentioned that the only reason she applied for a C-3 was because it was recommended to her.

Mrs. Marisela Marin asked Mrs. Cruz if she would be using all three lots for the daycare.

Mrs. Cruz replied, "Yes". She mentioned that on Lot 9 they had the parking lot, Lot 10 had the main building, and Lot 11 had another building which had two classrooms, the playground did not belong to them. She added that the playground belonged to Delia Martinez.

Mrs. Marisela Marin asked if she would be reconstructing to make her daycare.

Mrs. Cruz stated that they would be using the existing buildings because they were all connected via a hall way.

Mrs. Marisela Marin asked if these building were being used already as a daycare.

Mrs. Cruz stated that it has been in existence since 1982 as a daycare it was used by the Texas Migrant Council and later by the Head start for 6 months.

Chairman Rene Flores asked if this would be a daycare for children.

Mrs. Cruz replied, "Yes".

Chairman Rene Flores asked Mrs. Cruz if she would be assisting in running the daycare.

Mrs. Cruz replied, "No". She mentioned that she would teach school at night.

Mr. Ned Sheats asked if the existing daycare had a CUP.

Mr. Salinas stated that it was previously used by the Texas Migrant Council for several years but the new signs on the building belong to the person trying to lease the property for a new daycare.

Mr. Ned Sheats asked if they were using the building already.

Mr. Salinas stated that the applicant was just preparing for the daycare. The building was not being used and had not been used since the Texas Migrant Council got out of there in December.

Mr. Ned Sheats asked Mrs. Cruz if they would only be using the parking lot and the two existing buildings.

Mrs. Cruz replied, "That's correct".

Mr. Ned Sheats asked Mrs. Cruz if he was correct in saying that the lot with the playground had nothing to do with her property.

Mrs. Cruz stated that the lot with the playground belongs to Delia Martinez and that she used to rent it out to the Texas Migrant Council.

There being no discussion, Chairman Rene Flores entertained a motion. Mrs. Marisela moved to approve the request as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started:**      5:21 p.m.  
**Ended:**      5:33 p.m.

**ITEM #1.3**

**Conditional Use Permit:**

**Drive-Thru Convenience Store  
501 N. Inspiration Road  
Lot 61, Georgeanna Estates Subdivision**

**C-3**  
**Ramiro Leal**

Mr. Bobby Salinas went over the write up stating that the site is located on the NW corner of Inspiration Road and Cuesta Del Sol. The subject site currently has an existing plaza, car wash, and a 45' x 22' building with two existing 12' wide garage doors on opposite sides of the building. This building was used as a furniture upholstery business and is now vacant. The applicant wishes to convert the dormant structure into a drive thru convenience store. Primary access into the drive-thru business will be from Inspiration Rd. through an existing 27' driveway leading around the building, then exiting out through the same driveway access. There is also an existing entry off of Cuesta Del Sol that may be used by the neighboring residences to the south.

- **Days / Hours of operation:** Sunday – Thursday from 11a.m. to 11p.m. & Friday – Saturday from 11a.m. to 12a.m.
- **Staff:** 4 employees
- **Parking:** The drive thru business measures 990 sq.ft. which requires 5 parking spaces. There are 28 existing parking spaces for the existing plaza and for the drive-thru business, plus enough space for 2 vehicles to be within the building for a total of 30 spaces. Staff does not foresee any issues with parking; however, we will be monitoring the area to see if there are any issues during the CUP's tenure.
- **Business License:** Must comply with the Building, Sign, Fire, Health & any other applicable codes in order to obtain a business license.
- **Sale of Alcohol:** Sale of alcohol for off-site consumption requires the property to be wet zoned. There are no churches, schools, or hospitals within 300', thus in compliance with code.
- **Buffering/Landscaping:** Staff recommends that the south property line be buffered with a landscape hedge in order to help screen the drive-thru business from the residential area located along the south side and would help in bringing the commercial site into overall compliance with the landscaping code.

**REVIEW COMMENTS:** In reviewing the site, Staff noticed that the carwash canopy was very close to the exit of the proposed drive-thru. The applicant previously stated that the carwash business was going to be re-located. Staff recommends the removal/relocation of the carwash canopy and the addition of a speed bump in order to provide a safe exit from the drive-thru business. Staff also recommends that there shall be no employees wearing offensive/sexually explicit attire and the hours of operation should not exceed past 12am, especially since they are so close to the residential neighborhood to the south. Staff recommends approval subject to: 1) 1 year approval, 2) Removal of the canopy and the addition of a speed bump near the exit of the drive-thru; 3) Wet Zone the property; 4) Install a landscape hedge along the south property line; 5) Must comply with Building, Sign, Fire, Health, and any other applicable codes in order to obtain a business license; and 6) Must obtain Business License

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

There was no response.

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

Mr. Ramiro Leal of 718 Nora Lane was present to address any questions from the Board.

Chairman Rene Flores asked if he understood the recommendations from Staff and wanted to make sure that he did not object to the requirements.

Mr. Leal stated that he understood and that he would be in compliance with the requirements.

Mr. Sheats stated that he would like to have the applicant paint directional arrows at the entrance/exit along Inspiration Road to show that there is two way traffic.

Mr. Leal stated that he would add the directional arrows.

Mrs. Marisela Marin asked that due to the size of the commercial use, a dumpster and buffer may be in order instead of the individual cans.

Mr. Daniel Tijerina stated that he would get with utility billing and public works to get into contact with the owners of the plaza to have them get a trash bin versus everyone having their own.

Mrs. Marisela Marin also asked if there was lighting for the drive-thru business and the plaza.

Mr. Leal mentioned that there still needed to be some adjustments made to the drive-thru and additional lighting, along with some cameras are just few of the things that he definitely wanted to have installed.

Chairman Rene Flores asked Mr. Leal if he was proposing to close at midnight.

Mr. Leal stated that he would probably be closing at about 11:00 p.m. mainly the last hour would be used to restock and do inventory.

Mr. Daniel Tijerina stated that there was a noise ordinance in place so if there is any complaint by the neighbors, they would be notified and staff could get those reports if necessary.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendations including the directional arrows, lighting, and screening the dumpster. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

### **ITEM #3.0 ADJOURNMENT**

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:33 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission