

**PLANNING AND ZONING COMMISSION  
JULY 27, 2011  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Carlos Lopez  
Mario Garza  
Guadalupe Vela  
Luann Caudle

**P&Z ABSENT**

Marisela Marin  
Rene Flores

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Sonia Carnes  
Susana De Luna

**GUESTS PRESENT**

Jorge & Soledad Gonzalez  
Romana Saucedo  
Diana Saucedo  
Gloria Ismelda Cavazos Davila  
Rosa Isela Duarte  
Blanca Rodriguez  
Florestella Martinez  
Sandra Fisher  
Enid Finke  
John Ebner  
Mariano Garcia  
Mark Dougherty

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

**CITIZENS PARTICIPATION**

There was no response upon inquiry by Chairman Sheats.

**APPROVAL OF MINUTES FOR JULY 13 & 20, 2011**

Chairman Sheats asked if there were any corrections to the minutes for July 13 & 20, 2011. There being no corrections, Mr. Garza moved to approve the minutes as presented. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

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

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

**ITEM # 1.1**

**Discussion and Action on Proposed Ordinance to Prohibit Recreational Vehicles (RVs) 34' or longer from Parking on the Front Yard/Driveways of Properties Zoned Single Family Residential (R-1)**

Mr. Zavala stated that on July 11, 2011, the City Council held a public hearing to consider whether or not RVs parked on R-1 zoned properties should be allowed or not. The City Council decided to remand this item back to the P&Z Commission to also include other residential zones such as the Large Lot Single Family Residential

(R-1A) District, the Townhouse (R-1T) District, the Duplex-Fourplex (R-2) District, and the Multi-family (R-3) Residential District.

A week later, on July 18, 2011, Planning Director Sergio Zavala was instructed by City Manager Julio Cerda to only pursue the RV parking regulations to the R-1 District as we had before but to only prohibit the larger-type of RVs such as those 34' and above. In other words, the smaller RVs would still be permitted to be parked on their front driveway.

The intent of this hearing is to consider the following revised code as directed by Management – there is to be no consideration to widen the scope of the RV regulations at this time. The proposed code will only be under R-1 to add Section 1.371-4 (d):

**Prohibited Uses:**

**(d) A recreational vehicle, which includes travel trailers, pickup coaches, motor homes, dependent trailers, or self-contained trailers, that are 34' or longer shall not be parked or stored within the front yard area inclusive of any paved driveway; it is further asserted that such recreational vehicles shall not be parked alongside any public or private street unless it is for temporary loading or unloading which must be completed within 48 continuous hours.**

What is being promoted by the above amendment is to promote R-1's aesthetics, and is purely a quality of life measure.

Mr. Zavala mentioned that he had received an e-mail from Mrs. Sue Hansen indicating that she was not favoring the proposed amendment and was not able to attend the meeting.

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

Mrs. Gloria Ismelda Cavazos Davila mentioned that she lived on the northeast side of Mission. She stated that her house faces north and she owned a recreational vehicle. She stated that she had a place for it but not on the driveway it is parked on her property but it's by the alley. She mentioned that she made a place just for her trailer so that she would have it there secure. She stated that she didn't have insurance for the RV but her house insurance protected it as long as it was parked in her property. She asked the Board not to pass the proposed ordinance because she has had this RV for the past 15 years with no complaints from her neighbors otherwise she would have done something about it. She asked the Board to kindly consider her request because she didn't have enough money to pay to have it stored some place.

Mr. Sheats stated that her situation might not even apply to this ordinance.

Mrs. Cavazos Davila stated that then she could speak for the people that do apply.

Mr. John Ebner stated that he resides at 2407 Mimosa in Tierra Grande Estates. He added that this ordinance did not apply to him because he owned a 26' RV which was parked besides his house. Mr. Ebner stated that he was present because he read the newspaper and there were no specifications as far as what size of RVs would be allowed. He mentioned that although this ordinance didn't apply to him he would like to point out a couple of things. 1<sup>st</sup> they might be violating property rights because the people own the property and they could do anything they want as long as it doesn't harm anyone else. He mentioned that on weedy lots yes, if the trailer is going to rot, fall apart, or is full of rats, you have the obligation to do something about it in order to protect the neighborhood. He added that the comments in the newspaper about the RVs disintegrating the neighborhood. He mentioned that when they bought the house, they looked at lots with pads besides them and they were priced higher than lots without pads and to him that would not be disintegration. 2<sup>nd</sup> if the RVs disintegrate the neighborhood why does his appraisal go up every year. The 3<sup>rd</sup> point Mr. Ebner made was that Mission was an RV city because a large part of the city well-being depends on winter visitors and winter visitors were RV people. Finally he believed the city has better things to do other than enforce deed restrictions. He added that if the neighbors were concerned they should take action themselves.

Mr. Sheats asked if there was anyone in favor of the request.

There was no response.

Mr. Mario Garza stated that he agreed with the people and personally didn't agree with the ordinance.

Mr. Caudle asked staff why they just singled out the R-1.

Mr. Zavala stated that the directive that he received from the City Manager's office was to focus on R-1, however there were no indications that there would be subsequent amendments to include R-1A next year. Again the instruction given to his office was R-1 only and 34' or longer.

Mr. Sheats stated that in the write-up it states the follow: "What is being promoted by the above amendments is to promote R-1's aesthetics and is purely a quality of life measure." He asked what was the difference between aesthetics and quality of life between a 34' trailer and a 33' trailer. How do we draw the line that one is acceptable and one isn't.

Mr. Zavala stated that since he was asking him he would answer as best as he could which to him actually there would be no difference. If this is the direction that City Council & Management want to go and personally and professionally from his office there would really make no difference if the unit was 26' and is parked in front of the property and that is the direction then it should be all RVs/campers of this sort. Mr. Zavala stated that he had received some comments not significant he confessed but a few comments indicating that they would rather not see the RVs parked upfront they could be parked in the back or rear/alley area. He added that most of us who have worked in P&Z long enough know that the more common deal is going on with residential subdivisions is that there are less and less public alleys its more easements. He added that it would be challenging for R-1 lots to meet this code. Mr. Zavala stated that to answer Mr. Sheats questions from his perspective there would be no difference.

Mr. Sheats stated that he wanted to make a point that just as Mr. Zavala stated Mission may have been something in the past or may become something else in the future there are going to be changes with subdivisions as far as how much land to require per lot. He added that he was fortunate because he happened to have a lot with a rear entry garage on an alley but he believed that the day of it's my property and I could do anything with it would be going away and whether that's right or wrong it was not for him to say. Mr. Sheats stated that he supports the concept but that he could not support the ordinance the way it was written. It is obviously pointing at one particular type of subdivision and RV.

There being no further comments, Mr. Garza moved to deny the proposed ordinance as presented by staff. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:16 p.m.**

**Ended: 5:19 p.m.**

**ITEM # 1.2**

**Rezoning:**

**The North 158' of the East 256' out of  
Lot 17-2, West Addition to Sharyland Subd.  
AO-I to R-1  
Jorge & Soledad Gonzalez**

Mr. Salinas went over the write up stating that the subject site is located 300' south of Industrial Way along the west side of Los Ebanos Road. The surrounding zones include: Light Industrial (I-1) to the north, Single Family Residential (R-1) to the east, and Agricultural Open Interim (AO-I) to the west and south. The existing Land Uses include: Commercial Business (Sheds by George) to the north, Single Family Residential Neighborhood to the east, and Open Acreage to the west and south. The site currently has a single family home. The Future Land Use Map shows a Moderate Density (MD) designation. There is an existing home on the

property which the applicant desires to remodel. In this regard, the lending company insists that the property be residentially zoned first. There are existing single family homes to the east. R-1 will not be detrimental to the general area. Staff recommends approval.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

The applicants', Mr. Jorge & Mrs. Soledad Gonzalez were present to address any questions from the Board.

There being no comments, Mr. Garza moved to approve the rezoning as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:19 p.m.**

**Ended: 5:23 p.m.**

**ITEM # 1.3**

**Conditional Use Permit: Home Occupation – Registered Home Daycare  
2505 Washington Avenue  
Lot 90, Woodland Ridge Phase II  
R-1  
Life of Use  
Romana Saucedo**

Mr. Salinas went over the write up stating that the subject site is located 75' north of W. 25<sup>th</sup> Street along the west side of Washington Avenue. The site has frontage to Washington Avenue where the street width is 32' B-B. There is a fire hydrant 120' to the north. The home has a two car driveway capable of accommodating the safe drop off and pick up of children. There is a 6' wood fence along the rear and sides of the property which will maximize protection, muffle noise, and obstruct visibility. The kitchen, dining room, and family room are the areas to be utilized for child care.

- **Days/Hours of operation:** Monday – Friday: from 7 a.m. to 6 p.m.  
Saturday: 7 a.m. to 1 p.m.
- **Staff:** Applicant and 2 other employees that live at the home, thus in compliance to code.
- Must have DHS Certification, which will assign the maximum number of children to be cared for.

- Any signage would have to be a maximum of 1' x 1'; also, no cartoon characters (Sponge Bob, Spiderman, Ironman, etc.) or similar items to be displayed.
- Must comply with Sec. 1.56-1, Zoning Code (Home Occupations regulations)
- Must obtain a business license prior to opening the daycare.
- There are no other daycare services providers in the immediate area. The CUP, as in other residential areas, does not appear to be detrimental to the residential neighborhood but we recommend 1 year re-approvals to maintain monitoring.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) must obtain a DHS Certification, 3) comply with Sect. 1.56-1 of the Zoning Ordinance, and 4) acquire a business license.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Ms. Diana Saucedo stated that she lives at 2505 Washington Avenue.

Mr. Sheats asked Ms. Saucedo if she was receptive to staff's recommendations.

Ms. Saucedo replied, "Yes".

Mr. Garza asked if staff had received any feedback from the mail out list.

Mr. Zavala replied, "No."

Mr. Vela asked if staff had received any opposition.

Mr. Zavala replies, "No."

There being no other comments, Mr. Vela moved to approve the conditional use permit as recommended by staff. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:23 p.m.**

**Ended: 5:31 p.m.**

**ITEM # 1.4**

**Conditional Use Permit: Drive-Thru Convenience Store & Hot Dog Cart  
1705 W. Griffin Parkway  
Lot 2, Barrera Subdivision &**

**Lot 74, Las Misiones Subdivision  
C-3  
Life of Use  
Florestella Martinez**

Mr. Salinas went over the write up stating that the site is located on the SW corner of Kirk Avenue and Griffin Parkway. The subject site currently has an existing drive-thru convenience store. Access to the site is provided off of Griffin Parkway through an existing 16' concrete driveway. The building measures 40' by 45' for a total of 1,800 square feet. On 3-9-11, P&Z had approved the drive-thru business subject to: 1) a 6 month re-evaluation, 2) match the sidewalk elevation along Kirk Avenue with the existing, 3) provide landscaping to meet code, and 4) remove non-conforming sign along Griffin Parkway.

Mr. Jorge Gonzalez, the original applicant, has sold this business to the current applicant who has complied with P&Z's requirements.

- **Days / Hours of operation:** Monday – Friday from 10 a.m. to 12 a.m., Saturday from 10 a.m. to 1 a.m., and Sunday from 12 p.m. to 12 a.m.
- **Staff:** 4 employees
- **Parking:** A total of 8 parking spaces have been provided and are in compliance to code.
- **Landscaping:** The new applicant has installed 3 new trees along Kirk Avenue and will be maintaining the green areas in general. (P&Z might recall the green areas being overgrown).
- **Signs:** The applicant has removed the sign located along Griffin Parkway as requested by P&Z. Any new proposed signage requires a sign permit and must meet all setback requirements.
- The applicant is also proposing to place a hot dog cart on the outside of the drive-thru, along Griffin Parkway. Staff has a concern as to the 'Flea Market' aesthetics of the cart along a major thoroughfare such as Griffin Parkway. The recommended location of the cart would be along the rear of the store so as not to be as visible from Griffin Parkway. Also, anticipating that the hot dogs would take some time to make, the parking in the rear would serve as an area for hot dog customers to park while waiting for their food and would allow other traffic to continue through the business, thus not causing traffic congestion for other customers.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) relocate the hot dog cart towards the rear of the building, 3) maintain the 3 additional shade trees and existing green areas, and 4) re-stripe/maintain the parking lot's striping.

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

There was none.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Blanca Rodriguez current Store Manager for U&I Drive-Thru stated that the only concern she had regarding placing the hot dog cart in the rear of the drive-thru was due to the loose dirt that was taken out from the back of the house and spread out in rear of the lot. When it gets windy having a hot dog cart in the back would not be a good idea. She added that it would be better if they placed the cart in the front that way the wind would be blocked and it would be more sanitary.

Mr. Sheats asked Mr. Salinas where did staff want them to place the hot dog cart.

Mr. Salinas stated that they could put it along Kirk Avenue or any other place the Board would suggest.

Mr. Garza asked where would the hot dog cart be placed.

Mrs. Rodriguez stated that it would be placed next to the ice machine or in the parking area. She added that if possible they would like to keep it there because it blocks the wind. Mrs. Rodriguez mentioned that it would not be a good idea to place it in the back because of the loose dirt and the dumpsters. She added that the hot dog cart was usually placed from 6:00 p.m. to about 11 p.m. or 12:00 midnight.

Mr. Sheats asked Mrs. Rodriguez if she currently had a strobe light flashing near the hot dog cart.

Mrs. Rodriguez stated that she had a little strobe light.

Mr. Sheats stated that he was willing to make a deal with her hoping the Board would approve it as well, which was for her to place the hot dog cart besides the ice machine as long as she removed the strobe light. He added that he didn't like strobe light on major arterial streets. Mr. Sheats stated that he agreed with her and consider that fact that she had all kinds of southeast wind blowing dust around would not be a good combination for the hot dogs.

There being no other comments, Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:31 p.m.**

**Ended: 5:37 p.m.**

**ITEM # 1.5**

**Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages – Shotz Bar & Grill  
2530 E. Griffin Parkway, Suite C  
Lot 12, Sharyland Plaza Subdivision  
C-3  
Life of Use  
Aurelio Garza**

Mr. Salinas went over the write up stating that the property is located approximately 200' east of Hackberry along the south side of Griffin Parkway. A CUP for the sale of alcohol was previously approved by P&Z at this site on 6-23-08 when it was in operation under Mr. Otoniel Martinez; however the business has been closed since October 2010. Now, Mr. Garza wishes to re-open the establishment. Mr. Garza will not have a full menu, however will be offering such finger foods as wings, panchos, etc. He also mentioned that he *may* offer burgers as well.

- **Hours of Operation:** Monday – Sunday from 3:00 p.m. to 2:00 a.m. Alcoholic Beverages will only be served during allowable State selling hours.
- **Staff:** 10 employees
- **Parking:** In reviewing the floor plan, the building has a total of 109 seating spaces, which require 36 parking spaces (109 seats/1 space for every 3 seats = 36.3 parking spaces). It is noted that the parking area is held in common and is shared with other businesses. The Planning Department did not receive any complaints regarding intense overflow parking under Shotz's previous management.
- Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision located within 300'; however, P&Z and the Council waived this separation requirement in the CUP's previous approval.
- **Noise:** In speaking to the applicant there will be certain nights where they may be a D.J. or Karaoke. The applicant must comply with the noise code. If there are un-resolved noise issues, Staff will approach the applicant and, if not compliant to noise codes/concerns, revocation of the CUP may be activated via policy. (Note: Mr. Salinas mentioned that staff received a call in opposition regarding noise from the previous operator.)
- Planning asked PD for a report of incidents (if any) and Asst. Chief Martin Garza mentioned a complaint of a lost wallet back on 4-25-09, other than that, no other complaints have been reported. Again, this was under previous management.

Staff recommended approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) no objection to waiving the 300' separation requirement, 3) must

comply with the noise code, 4) obtain a business license, and 5) remove non-conforming signs (unless already done so).

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Aurelio Garza was present to address any questions that the Board might have. Mr. Garza mentioned that the sign would be removed.

Mr. Sheats stated that they didn't have a formal complaint from the past with the police department regarding noise, but evidently there might be a concern from the neighborhood. Mr. Sheats suggested that they approve the conditional use permit for 6 months instead of the year.

There being no other comments, Mr. Garza moved to approve the conditional use permit as recommended by staff with a 6 month re-evaluation. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:37 p.m.**

**Ended: 5:40 p.m.**

**ITEM # 2.0**

**Site Plan Approval:**

**Re-location of a Portable Building for AEP Site  
A 9.00 acre tract of land out of Lot 226,  
John H. Shary Subdivision  
R-1A  
SISD**

Mr. Salinas went over the write up stating that the 9 acre tract is located on the SW corner of Taylor Road and Sunset Lane. Sharyland ISD wishes to relocate a 1,638' portable building for their Alternative Education Program. The minimum setbacks based on R-1A zoning are: Front: 25', Rear: 10', Sides: 6'. This proposal is exceeding all setback requirements, thus compliant to code. The portable will have access to Sunset Lane, a 50' ROW - 30' B-B minor street. (Not along a major thoroughfare).

**Utilities:** There is existing water and sewer available to serve the facility. There is an existing fire hydrant located at the NE corner of the site. Since the portable will be within 300' of the hydrant, no new fire hydrants are required at this time as per the direction of the Fire Marshal.

**Parking:** There are 21 existing parking spaces available through the new AEP building site located just east of the proposal, thus staff does not anticipate issues with parking.

**Landscaping:** Staff is recommending 2 additional 3" caliper – 7' tall shade trees to be placed along the front to help screen the portable from Sunset Lane. Being that it is not along a major thoroughfare, Staff recommends approval subject to the installation of 2 shade trees along the front of the portable.

Chairman Sheats asked if the applicant or representative were present.

Representing Sharyland ISD, Mr. Mark Dougherty stated that he was receptive to staff's recommendations.

Mr. Sheats asked Mr. Dougherty if he could just make sure that the trees get water once in a while.

Mr. Dougherty replied, "Yes."

There being no comments, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the site plan approval as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Salinas advised that Board that the City Council had approve the Shooting Range Ordinance as presented by staff.

**ITEM # 3.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Garza moved to adjourn the meeting. Mr. Vela seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:41 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission