

PLANNING AND ZONING COMMISSION
AUGUST 28, 2013
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Rene A. Flores
Ned Sheats
Abiel Flores
Carlos Lopez
Mario Garza
Diana Izaguire
Marisela Marin

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Veronica De La Fuente
Reynaldo Diaz
Eunice Sanchez
Gloria Vanderbeck
Omar Alaniz
Luis Gonzalez
Ciro Ochoa Jr.
Harold Pean

CALL TO ORDER

Chairman Rene Flores called the meeting to order at 5:04 p.m.

CITIZENS PARTICIPATION

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

There was no response.

APPROVAL OF MINUTES FOR AUGUST 14, 2013

Chairman Rene Flores asked if there were any corrections to the minutes for August 14, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:05 p.m.

Ended: 5:25 p.m.

ITEM #1.1

Rezoning:

**The North 300' of Lot 3,
The Retreat at Cimarron
R-3 to C-3
Desarrollos Mosi, LLC
Sergio Molina c/o Veronica De La Fuente**

Mr. Bobby Salinas went over the write-up stating that the subject site is located on the SE corner of Glasscock Road and U.S. Expressway 83.

**SURROUNDING ZONES
& EXISTING LAND USES:**

N:	C-3	- General Business; Car Lot
E:	PUD	- Planned Unit Development; Single Family Residential
W:	C-3	- General Business; Open Acreage
S:	R-3	- Multi-Family; El Pueblito Condos

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

REVIEW COMMENTS: The applicant is proposing a 300' x 300' commercial plaza. The property has ingress and egress off of Brazos Street which exits onto the U.S. Expressway Frontage Road and leads into the Cimarron Country Club. Staff recommends denial for the following reasons:

- 1) Glasscock serves as a line of *demarcation* between the residential uses to the east and the C-3 undeveloped area(s) to the West.
- 2) Glasscock is a 30' wide road that provides access to the homes of numerous residents to and from their homes from Rio Grande Drive North to the Expressway.
- 3) If the rezoning is approved, the entrances to the commercial development will: a) add to the traffic into and out of Glasscock, b) increase conflict points for traffic accidents, c) add to the stacking of vehicles waiting to turn right onto the frontage road, and d) block ingress/egress to the commercial plaza.

Notices were sent to property owners within 200' of the site. Staff has not received comments for or against this proposal. Staff recommends denial as per the reason mentioned above.

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. Veronica De La Fuente was present to address any questions that the Board might have.

Mr. Omar Alaniz stated that he was representing the owners for this property and he was with La Paloma Realty.

Mr. Ciro Ochoa was also present representing the owners for this property.

Mr. Alaniz stated that they have been in contact with their neighbor Dr. Pean, who was present and the Home Owners Association to discuss the proposed project and had come up with an agreement.

Chairman Rene Flores stated that staff had received a copy of an agreement from Mrs. Ann McNallen, President of the Homeowners Association and asked if it was the same agreement.

Mr. Alaniz stated that it was not the same agreement but that Dr. Pean had his attorney prepare an agreement that would comply with all the requirements imposed by the Homeowners Association.

Chairman Rene Flores asked Mr. Alaniz if he could explain a little more in detail what the agreement entailed.

Mr. Alaniz stated that the agreement was too close off the entrance to Brazos Street and to create a buffer wall along the 300'. He added that they would keep in place the existing retainer wall along Expressway 83 but create some type of buffer that would be 6' as noted in the agreement.

Chairman Rene Flores asked how they were proposing to buffer the condos to the south.

Mr. Alaniz stated that they would need to have some type of wall or buffer between both properties.

Mrs. Marisela Marin asked Mr. Alaniz if they were proposing to keep the existing wall along Glasscock Road.

Mr. Alaniz stated that it would probably be removed. He added that it would be improved in some spots but taking into consideration the ingress-egress along Glasscock Road.

Mr. Ned Sheats asked how they were proposing to get into the property from Glasscock.

Mr. Alaniz mentioned that they had an illustration showing how they were going to enter the property but they didn't have it with them.

Chairman Rene Flores asked if they were proposing any entrances through the Expressway.

Mr. Alaniz stated that they didn't have any entrances through the Expressway because they wanted to enter through Glasscock but being as far as possible within the 300'.

Mr. Mario Garza asked why they wouldn't consider the entrance through the Expressway like the other existing business.

Mrs. De La Fuente stated that they were willing to comply with the city's recommendations and if they required an entrance through the Expressway then they would comply.

Mr. Ochoa stated that to his understanding the only item being considered would be the rezoning of the property once they get to the development part of the project the rest of the issues would be taken care of at that time.

Mr. Abiel Flores stated that he understood the only item being considered was the rezoning but staff was recommending denial and the Board by addressing the concerns with the applicant might be able to maybe change the recommendation if the applicant explains how they plan to address the concerns.

A brief discussion continued regarding how would they accommodate the traffic that would be going to the residential streets and the Expressway.

Mrs. Diana Izaguirre asked what was the zoning for the vacant property immediately next to the proposed site.

Mr. Salinas stated that it was zoned C-3 (General Business).

Mr. Ned Sheats asked if anybody lived in the Cimarron area.

Mrs. De La Fuente stated that she lived in Cimarron.

Mr. Ned Sheats stated that then she might be aware that the City installed speed humps on Glasscock Road and on Trinity because of the amount of traffic and to help lessen the speed of the vehicles.

Mrs. De La Fuente stated that they had installed some speed humps inside the condominiums as well.

Mr. Ned Sheats stated that he had friends that lived in that area and making a right turn which is the only way you could go to from Glasscock Road onto the feeder road is nearly impossible during rush hours. He mentioned that he realized they were considering a zoning change but they have to look into the future because the minute they open it up to a different zone, it would allow practically any type of business.

Mrs. Diana Izaguirre asked if this would be the same scenario as the plaza on Stewart Road.

Mr. Salinas replied, "It would be a similar scenario".

Mrs. Diana Izaguirre asked then why was staff against the request if it was the same scenario.

Mrs. Marisela Marin stated that this would not be the exact same scenario like the plaza on Stewart because on Stewart Road all of the businesses are to the left and in this case the homes are on the same side.

Mrs. Diana Izaguirre stated that it was not the exact same scenario but would be very similar to it.

Mr. Alaniz stated that they are proposing to have businesses that would attract the same neighborhood in the area.

Mr. Ned Sheats stated that he would like to see this area developed and would like to see a layout showing and considering all the concerns being addressed.

Mr. Ochoa stated that they wanted to be good neighbors and had contacted the neighborhood to advise them of the proposed plans and I guess they believed in them because nobody showed up against the request.

There being no further discussion, Chairman Rene Flores entertained a motion. Mrs. Diana Izaguirre moved to approve the rezoning request. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed 6-1 with Mrs. Marisela Marin dissenting.

Started: 5:26 p.m.

Ended: 5:28 p.m.

ITEM #1.2

Conditional Use Permit Renewal:

**Drive-Thru Service Window
for Casa De Cambio Reynosa
1522 E. Expressway 83, Ste. 118
Lot 4, Stewart Plaza Subdivision
C-3
Casa De Cambio Reynosa**

Mr. Bobby Salinas went over the write up stating that the site is located on the SW corner of Stewart Road and Expressway 83. The Casa De Cambio is located within a new commercial plaza on the site with a drive-thru service window. Access to the site is provided from a 42' driveway off of Stewart

Road that leads to a 20' drive-thru lane located on the east side of the building. The drive-thru service lane provides enough stacking for approximately 4 vehicles.

- **Days / Hours of operation:** Every day from 8:00 a.m. to 9:00 p.m.
- **Staff:** 4 employees
- **Parking:** In viewing the floor plan, the suite measures 1,084.54 sq.ft., which requires 6 parking spaces. It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other businesses.
- Must continue to comply with the City's Sign and Landscaping Code

This drive-thru has been in operation for 1 year with no incidents reported to the City of Mission. Staff did send notices to the surrounding owners within 200' of the site and have not received any comments for or against this CUP. Staff recommendation is for approval subject to: 1) a 1 year approval to continue to assess the business, and 2) CUP not transferable to others.

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.

There was no response.

Mrs. Marisela Marin asked why staff was only recommended approval for 1 year and not 3 years.

Mr. Bobby Salinas mentioned that the Board could consider a 3 year approval if they wished too anyway if in the future any issues come up, they would be addressed at that time.

There being no further discussion, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit for 3 years. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:28 p.m.

Ended: 5:29 p.m.

ITEM #1.3

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of
Alcoholic Beverages – Taqueria El Zarape
2423 E. Expressway 83, Ste. 100
Lot 2, Block A, Shary-Taylor
Expressway Commercial Subdivision
C-4
Taqueria El Zarape**

Mr. Bobby Salinas went over the write up stating that the 3,500 sq.ft. restaurant site is located approximately ¼ mile east of Shary Road along the north side of the Frontage Road along

Expressway 83, just east of Chili's. The last CUP for the sale & on-site consumption of alcohol for this site was approved by P&Z on 7-25-12 for one year.

- **Days / Hours of operation:** 7:00 a.m. to 12:00 a.m. from Monday through Sunday. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 20 employees
- **Parking and Landscaping:** The 3,500 sq. ft. restaurant required 47 spaces based on 1 space for every 75 sq. ft. There are 59 spaces provided. It is also noted that the parking area is held in common and access to the site is provided through existing, interlocking parking lots from Chili's and businesses to the north. This restaurant is located within an existing commercial site, which has existing landscaping and is in compliance with code.
- Staff has requested a report of complaints from Mission PD during the restaurant's previous CUP approval. Staff expects to have the report by the time of the meeting.

There are no churches or schools within 300' of this restaurant, nor have there been any comments in favor or against this request forwarded to the Planning Department during the CUP's tenure. If there are no incidents reported by Mission PD, Staff recommends approval for 3 years.

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.

There was no response.

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

Chairman Rene Flores entertained a motion to remove the item from the Table. Mr. Ned Sheats moved to remove the item from the table. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:29 p.m.

Ended: 5:34 p.m.

ITEM #1.4

**Tabled Conditional Use Permit Renewal: T-Rey's Drive-Thru Convenience Store
2502 W. Business 83
Lots 131 & 132, Ala Blanca #4 Subdivision
C-3
Reynaldo Diaz**

Mr. Bobby Salinas went over the write up stating that the site is located on the NW corner of Paisano Street and Business Hwy 83. The drive-thru convenience store was most recently approved on 8-10-11 for a period of 1 year after the completion of the construction of building. Access to the drive-thru is from Paisano Street and exists out of Business 83.

- **Days/Hours of operation:** Monday – Sunday from 7:00 a.m. to 11:00 p.m.
- **Staff:** 9
- **Parking:** A total of 23 parking spaces are needed for the convenience store/drive-thru and the Laundromat. There are currently 21 spaces on site and the owner of T-Rey's owns and currently utilizes the property on the NE corner of Paisano Street and Business 83 for surplus T-Rey parking.
- **Landscaping:** Staff is also recommending that some added landscaping be installed and maintained in order to help beautify the area. Staff is requesting at least three shade or ornamental trees along Business 83 either within the site or within the surplus parking to help provide additional aesthetics along the frontage area of the site.

Upon a site inspection of the business, there was a need for several items to bring this business into compliance with the CUP requirements. The surplus parking needs to be re-stripped, the banner signs must be removed, the trash dumpster needs to be screened and the green areas to be kept up. Due to the lack of up keep of the site, Staff cannot support the CUP for an extended period of time, i.e. over a 1 year period.

Staff attempted to contact Mr. Diaz, but after speaking with the manager of T-Rey's, it turns out he is out of the Country. Staff mentioned the lacking items to her and explained that staff needed him or a representative to attend the meeting. The manager said that she would talk to Mr. Diaz and would possibly have some of the items completed by the time of the meeting.

Mr. Salinas mentioned that the applicant had already removed the flag signs, installed some trees, and they were working on screening the dumpster and re-stripping the parking area.

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. Reynaldo Diaz & his business partner Mr. Luis Gonzalez were present to address any question from the Board.

Chairman Rene Flores stated that the reason this item was put on the table was because nobody showed up to represent the request and this Board needed someone present to address the concerns that staff had. He mentioned that he recognizes that they have made an effort to try to comply with all the concerns and he appreciated it.

Mr. Gonzalez stated that the reason nobody showed up was due to personal health issues.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Abiel Flores 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.

ITEM #2.0
OTHER BUSINESS

ITEM #3.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:54 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission