

**PLANNING AND ZONING COMMISSION  
DECEMBER 10, 2008  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Marisela Marin  
Henry Rodriguez  
Mario Garza  
Jose G. Vela

**P&Z ABSENT**

Raul Sesin  
Luann Caudle

**STAFF PRESENT**

Sergio Zavala  
Roberto Salinas  
Willie Seguin  
Irasema Dimas

**GUEST PRESENT**

Angel S. Lopez  
J. Hector Cavazos  
Angelica Vela  
Bertha Filut  
Bill Filut  
Mae Savedra  
Luis Barbosa  
Karl & Sheila Pankratz  
Alma Walzer  
Alma Navarro  
Luis Barbosa  
Nora Delgado  
Carolyn Burt  
Gary Burt  
Teresa Navarro  
Barbara Baker  
Jolene Walters  
Oleen Cruey  
Juan Bernal  
Eneida Peña  
Frank Garza  
Carrie M. Ochoa  
Holis Rutledge  
Beatriz B. Rodriguez

**CALL TO ORDER**

Acting Chair Mr. Sheats called the meeting to order at 5:02 p.m.

**CITIZENS PARTICIPATION**

There was no response upon inquiry.

**APPROVAL OF MINUTES FOR NOVEMBER 19 & DECEMBER 2, 2008**

Acting Chair Mr. Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Rodriguez moved to approve the minutes as presented. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:03 p.m.**

**Ended: 5:06 p.m.**

**Item# 1.1**

**Rezoning:**

**Lot 1, First Assembly of God Church  
& 2.5 Acres out of Lot 241, John H. Shary  
R-1T/AO-I to R-1  
Richard J. Solis**

Mr. Sergio Zavala went over the write-up stating that the subject site was located approximately 950' east of Stewart Road along the south side of Griffin Parkway. The surrounding zonings included General Commercial (C-3) to the west, Single Family Residential (R-1) to the south, Duplex-Fourplex Residential (R-2) and Mobile and Modular Home (R-4) to the east, and finally a mixture of commercial uses to the north. The rezoning application complied with the City's Future Land Use Map, which reflected a Public (P) designation. The First Assembly of God Church is currently located on this property where churches in general are considered as "public" uses. The R-1 zone allows for more control since it had more stringent regulations as compared to commercial zones and it allowed new institutional uses though conditional use permits. Staff recommended approval.

Acting Chair Mr. Sheats asked if there was any public opposition to the request.

There was no response.

Acting Chair Mr. Sheats asked if the applicant or representative were present.

There was no response.

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

**Started: 5:06 p.m.**

**Ended: 5:17 p.m.**

**Item# 1.2**

**Rezoning:**

**A 1.59 acre of land out of the Northwest corner  
Lot 28-9, West Addition to Sharyland Subd.  
AO-I to C-2  
J. Hector Cavazos**

Mr. Zavala went over the write-up stating that the subject site was located at the SE corner of the soon to be widened Mile 2 Road and Mayberry Road a future 80' collector. The surrounding zonings included Single Family Residential (R-1) to the west and to the south and Agricultural Open-Interim (AO-I) to all other directions. There was an existing institutional use located directly to the west (Veterans Memorial High School).

The Future Land Use Map showed the area as a Low Density Residential (LD) designation. However, in comparing what staff has done in the past along Mile 2 and 80' collector roads, staff saw various instances where staff has changed the corner properties to commercial zones. For example:

Area	Location	Approved by P&Z	Approved by C.C.
Mile 2 & Moorefield	Lot 1, Empire Subd.	3/13/02	3/25/02
Mile 2 & Moorefield	Lot 1, Taurus Est. #20	7/12/06	7/24/06
Mile 2 & Inspiration	Lots C1-C14, Taurus Est. #3	9/23/08	10/12/98
Mile 2 & Inspiration	Lots 170 & 171, Taurus Est. #2	8/22/07	9/10/07
Mile 2 & Inspiration	Lot 1, Gomez Est.	5/25/94	6/13/94
Mile 2 & Los Ebanos	Lots A-H, Mountain View Subd.	1/23/08	2/11/08
Mile 2 & Los Ebanos	Southwest Hay & Feed Co.	4/12/06	4/24/06
Mile 2 & Conway	Lot 1, Peter Piper Pizza	1/23/08	2/11/08
Mile 2 & Shary Rd.	2.068 ac. Of Lot 294, J.H.S. (El Tigre)	7/12/06	7/24/06
Mile 2 & Shary Rd.	Lot 1, Shary Springs	1/12/05	1/24/05

Since this property would front a widened Mile 2 Road, and was consistent to what was done in the past with similar situations, C-2 did not appear to be an objectionable change. Staff recommended approval.

Acting Chair Mr. Sheats asked if there was any public opposition to the request.

Mr. Gary Burt stated that he lived on 2 Mile & Mayberry. He was in opposition because the property in question, along with the whole area, was zoned residential including MIMS. He stated that he had talked to over 50 people that were in opposition to the rezoning and they have signed a petition against the rezoning<sup>1</sup>. He mentioned that along Veterans High School, there are people of all ages walking freely around the school. He stated that this was a crime free area and that if the rezoning got approved; they have no idea what type of businesses there would be. He also stated that it might invite some type of criminal activity along with the businesses.

Acting Chair Mr. Sheats asked if the applicant or representative were present.

Mr. Hector Cavazos stated that he represented the sellers and the buyer of the property. He mentioned that the developer Angie Vela had done several commercial developments within the city and they are well kept; one of them was City Plaza just south of the Parks and Recreation office. He stated that Mrs. Vela's tenants were from mom & pop businesses, small restaurants, offices, and pizza places. He mentioned that she did not want to have businesses with long hours, but something that would benefit the community where people could go if they need those types of services. He also mentioned that he sympathizes with the people that said that they didn't want businesses in their area, but when you live in a City that is growing, sometimes you can't stop growth. He stated that where there is growth there's prosperity; good things

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<sup>1</sup> Mr. Burt did not submit the petition

happen to the town and there's a tax-strengthened base. He concluded that this development would probably help since there was a school nearby.

Carolyn Burt, from 2 Mile & Mayberry stated that due to the widening, the site would be smaller.

Acting Chair Mr. Sheats asked Mrs. Burt if she was speaking in favor or against the request.

Mrs. Burt replied 'Against'.

Angelica Vela stated that she would be the buyer for the properties. She mentioned that she attended a TXDOT meeting, where she was notified about the proposed changes to 2 Mile Line going from 2 lanes to 4 lanes. She stated that she had already taken that into account and she worked up some plans. Mrs. Vela stated that there was plenty of space to make a nice professional commercial plaza.

Mrs. Vela stated that she owns 2 commercial plazas in Mission, Conway Plaza and City Plaza, and she has never had any problems with any of her clients. She stated that she keeps her plazas well maintained so they would look attractive. She believed that they would not attract any criminal activity since the plaza would have plenty of lighting. She mentioned that at the TXDOT meeting she was informed that there have been 147 accidents along the area that TXDOT wants to expand. She also stated that TXDOT would be installing a traffic light. She mentioned that the type of businesses that she would likely attract were mom and pop businesses. She stated that she could invest anywhere in the valley but being that she was from Mission she chose to invest in Mission. She believed that she would be the best person to develop this area because anybody else would want to develop a gas station, but she is proposing to build a nice professional plaza.

Acting Chair Mr. Sheats asked Mrs. Vela if she had any idea of what type of business she would have there.

Mrs. Vela replied that the businesses that she has had success with were insurance agencies, loan offices, mom & pop restaurants, pizza places, and a small amount of retail.

Mr. Garza stated that he was familiar with Mrs. Vela's plazas and they are well maintained, and that he believed that she would develop something nice.

There being no further comments, Acting Chair Mr. Sheats entertained a motion. Mr. Garza moved to approve the rezoning as recommended by staff. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:17 p.m.**

**Ended: 5:20 p.m.**

**Item# 1.3**

**Rezoning:**

**Lot 28 & the West ½ of Lot 29,  
Ala Blanca Subdivision Unit #2  
R-1 to C-2  
Gloria Treviño**

Mr. Zavala went over the write-up stating that the subject site was located 400' east of Paloma Street along the south side of Expressway 83. The surrounding zonings include Single Family (R-1) to the west, south and east and to the north was U.S. Expressway 83. Since P&Z had approved other commercial zones within the same area and since staff saw the Expressway's frontage becoming commercial, C-2 did not appear to be an objectionable change. Staff recommended approval.

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

There was no response

Acting Chair Sheats asked if the applicant or representative were present.

There was no response.

Mr. Garza asked Mr. Zavala if he had any idea what the applicant was proposing to have in a C-2 zone.

Mr. Zavala replied that a C-2 zone would allow a mom and pop situations such as: barber shops, hair salons, & nail salons; no restaurants.

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

**Started: 5:20 p.m.**

**Ended: 5:28 p.m.**

**Item# 1.4**

**Conditional Use Permit:**

**Carnival & Fun Fair  
12.5 Acres of Lot 25-6,  
West Addition to Sharyland Subdivision  
AO-I  
January 18 – February 3, 2009  
Texas Citrus Fiesta**

Mr. Zavala went over the write-up stating that the subject site was located near the NW corner of Conway Avenue and Griffin Parkway (F.M. 495). Texas Citrus Fiesta Director

Bertha Filut desires a CUP for a carnival at this location to be allowed. Texas Citrus Fiesta Organizers had been given permission to have the carnival on the vacant lot just north of the old Carl's Supermarket on the dates of January 18 through February 3, 2009, and the 'Fun Fair' just west of the old Carl's Supermarket on the dates on January 27 through February 1, 2009. Approximate hours of operation would be from 5:30 p.m. to 10:30 p.m. on the weekdays and 1:00 p.m. to 11:30 p.m. on weekends. Parking, restrooms, and security requirements would be complied with. All provisions to Chapter 6 – Amusement Parks would need to be complied with, particularly, the insurance coverage requirements.

The surrounding land uses were predominantly commercial. The zonings include Agricultural Open Interim (AO-I) to the north and General Commercial (C-3) to all other directions. The proposed site is outside the 300' separation from residential areas. The vacant Carl's Supermarket parking lot would facilitate parking for this event. Also, staff encouraged that 'No Parking' signs be placed along Conway and F.M. 495. Early morning trash pick-up should also be the norm during the Heart of America Carnival's stay. Staff recommended approval subject to: **1)** installation of a perimeter fence/debris stop, and **2)** include the City of Mission as an insured party (via our Codes).

Acting Chair Mr. Sheats asked if there was any public opposition to the request.

Mr. Frank Garza representing the Storage Depot stated that he had concerns with the break-ins, loitering, and trash after hours, since they have over 460 tenants.

Acting Chair Mr. Sheats asked if there would be security at the site.

The applicant, Mrs. Filut, stated that the Texas Citrus Fiesta hires the Mission Police Department to do all the security starting from the beginning of the carnival until the Monday after the event. She stated that for the fun fair they hire security day and night starting Wednesday, even though the event doesn't take place until Saturday.

Mrs. Marin stated that the insurance certificate that was submitted was expired.

Mrs. Filut replied that they couldn't get the insurance company to release it to them until the 1<sup>st</sup> of January.

Mr. Garza stated that the other gentleman had a question about the trash.

Mrs. Filut stated that normally the TCF leaves the place cleaner than originally found. They start by cutting the grass before the carnival moves in and the employees pick up whatever trash there is before mowing.

Acting Chair Mr. Sheats asked if they clean up every night.

Mrs. Filut replied 'yes'. She also stated that they have a big trash container for the carnival area.

Mr. Rodriguez asked what would be the hours for the security during the fun fair.

Mrs. Filut replied that they would be there at noon on Wednesday up to 5 o'clock on Monday; security would be at the site around the clock.

After a brief discussion, the Chair entertained a motion. Mr. Garza moved to approve the request as recommended by staff. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:28 p.m.**

**Ended: 6:08 p.m.**

**Item# 1.5**

**Conditional Use Permit:**

**Home Occupation – Piano Classes**

**1016 Bryce Drive**

**Lot 6, Block 6, Highland Park Addition #2**

**R-1**

**Life of Use**

**Mae Savedra**

Mr. Zavala went over the write-up stating that the subject site was between Highland Park Avenue and Pecan Avenue along the south side of Bryce Drive. The applicant desires a Conditional Use Permit for piano classes from her single-family residence. Mrs. Savedra had her residence thereon and was proposing to teach one-on-one piano lessons to a maximum of 12 students.

With regards to parking, there was a 19' x 38' driveway leading from Bryce to a music room. This driveway could house 2 cars under the carport and 2 additional vehicles behind those for a total of 3 vehicles at a time. This area could be utilized to drop off and pick up students or for student parking. Mr. & Mrs. Savedra uses the rear separate garage (off the alley) to park their personal vehicles. Also, since the music room had its own separate door from the carport, students do not have to use the front door to enter the residence.

Mrs. Savedra proposed the following as her days/hours of operation: Tuesday from 5:30 p.m. to 8:30 p.m., Wednesday from 3:50 p.m. to 4:20 p.m., Friday from 2:20 p.m. to 6:00 p.m., and Saturday from 11:00 a.m. to 12:00 p.m. with herself and as the only instructor. Mrs. Savedra has averaged about 9 students during a typical workweek. Classes are limited to 30 minutes in length and strictly by appointment only! Since the applicant would schedule her students accordingly, there would be no more than two vehicles on-site at any given time. Additionally, the applicant alerted staff that she does not want any signage on her property.

A field visit revealed that the music room has two electric pianos with built in speakers. There were no external speakers, microphones, or amplifiers connected to these pianos. While in use the sound levels were no greater than someone watching television, as her instruction required that sound levels be low so that students could listen to her instructions. Staff understands that Mr. Savedra has occasional jam sessions with his friends who change the locations of their sessions amongst each other's homes. However, their jam sessions should not be considered as part of the CUP because they are not for profit and are held during allowable hours.

The applicant had submitted a petition with 11 signatures in favor of the request. Staff recommended approval subject to: **1)** acquisition of a business license, **2)** 1 year re-evaluation to assess the new operation, and **3)** comply with Sect. 1.56-1 of the Zoning Ordinance on home occupation regulation.

Staff noted that other similar CUP's have been approved by P&Z in the past.

1. Angelina Flores	11-19-08	4506 Santa Inez (PUD)	English Classes
2. Monica Waller	09-11-06	3305 San Roman (PUD)	Marketing Classes
3. Mina Park	04-12-06	1202 N. Glasscock	Math Classes
4. Boyd Sawyer	05-22-02	2219 Royal Palm	Yoga Classes

Acting Chair Mr. Sheats asked if there was any public opposition to the request.

Alma Walzer from 1012 Bryce stated that Bryce Drive carries a lot of vehicle & foot traffic from the school on Bryan Road. She stated that cars park along the public street when there's an item on the School Board agenda. She mentioned that Mrs. Savedra has been operating since the summer without a permit. Mrs. Walzer informed the board that Mrs. Savedra's customer's park on the street and not on the driveway and that she has Jazz practice sessions with the band. Mrs. Walzer mentioned that the Mission Police Chief, Leo Longoria, confirmed that the police department had received at least 12 calls of people complaining about loud noise. She stated that the Police Chief had gone to the site on December 6 due to the loud noise, and a verbal warning was given. Mrs. Walzer stated that she is constantly picking up trash that people leave in her front yard.

Also in opposition, Mrs. Teresa Navarro, from 1036 Bryce stated that her family has lived in Mission for the past 70 years. She stated that she had served in several boards as well as her family and that they gave back public service to the community and support "Shop Mission First". Mrs. Navarro stated that the first meeting was held for ZBA to grant a variance for the previous owners, Curtis & Gloria Wheat, and it was denied. She mentioned that that same night after the denial, the Savedra's had their music level very loud. Mrs. Navarro mentioned that the Mission Police Chief Leo Longoria used her back yard to see where the noise was coming from on December 6<sup>th</sup>.

She mentioned that the variance problem was not created by ZBA but "the City" for allowing and granting the building permit.

Mrs. Alma Navarro, owner of Lot 5, Block 6, Highland Park, stated that she was strongly in opposition to the request.

Acting Chair Mr. Sheats asked if there was any public support to the item on the agenda.

The applicant, Mrs. Mae Savedra stated that she was a stay at home mother and she was trying to provide the means to support her family. She mentioned that her background was in music, as well as her husband's. She stated that she was trying to get a permit to teach piano & voice lessons since she had been asked by several mothers to teach their children. Mrs. Savedra stated that she only has 1 person at a time and she would be the only instructor. Her customers park in the driveway under the carport. She stated that she doesn't believe that her students throw trash on the street. Mrs. Savedra stated that the traffic issue was more from the central office than what she creates with her students. She mentioned that the previous property owner, Gloria Wheat, checked with the Police Chief as far as how many calls they have received in reference to the loud noise issue and the Chief advised her that there were no calls on record. Also, Mrs. Savedra said that the Chief had gone to her house the Wednesday after the variance was approved by ZBA. She stated that her husband does practice with his band during the week and it never carries on after the allowable time of 10:00 p.m. She mentioned that she uses a piano to give her classes. Mrs. Savedra stated that she knew that there were more music teachers offering classes at their residences without a permit and it was not because they did not want to obtain one but that they did not know that the city requires one.

Mrs. Barbara Baker, from 508 W. Upas in McAllen, stated that she used to be Mrs. Savedra's neighbor and she never had any problems with loud noise and people parking in her driveway. Mrs. Baker also mentioned that there were never problems with trash.

Mrs. Carrie M. Ochoa from 128 E. Jay Ct., McAllen, stated that when the Savedra's lived in the City of McAllen there were never any complaints. She stated that she understood that the Navarro's were interested in the property and alleged that this was probably the motive for their opposition.

Mrs. Oleen Cruvey, from 509 W. Upas, McAllen, stated that when the Savedra's lived in McAllen, she did not know that she had music lessons and that there was never any type of trash along the street or in her neighbor's properties.

Acting Chair Mr. Sheats stated that the audience was confusing the reason for the meeting. He stated that the meeting was specifically to see if the board will allow a conditional use permit to have piano & voice lessons, and not to see if the property was properly subdivided (variance), or to assess complaints about loud music.

Mrs. Marin asked the applicant what would be her hours of operation.

Mrs. Savedra replied that the earliest would be 10:00 a.m. until 9:00 p.m. at the latest.

Mrs. Marin asked since how long she's been giving the classes.

Mrs. Savedra responded 'since September 1, 2008.

After discussion regarding the hours, Acting Chair Mr. Sheats entertained a motion. Mr. Garza moved to 'Table' the conditional use permit in order for the applicant to come up with a more established set of hours of operation. Mr. Vela seconded the motion. Upon a vote, the motion to 'Table' passed unanimously.

**Started: 6:08 p.m.**

**Ended: 6:12 p.m.**

**Item# 1.6**

**Conditional Use Permit:**

**Restaurant in Property Zoned**

**Neighborhood Commercial**

**104 Mayberry, Suite A**

**Lot 52, Mayberry Plaza #2 Subdivision**

**C-2**

**Life of Use**

**Luis Barbosa**

Mr. Zavala went over the write-up stating that the property was at the NE corner of Mayberry and 1<sup>st</sup> Street. There was an existing building on Lot 52 with 3 suites thereon. The applicant would be converting one of the suites into a BBQ Restaurant and needed CUP consideration since the property was in a Neighborhood Commercial (C-2) zoned property. The proposed days and hours of operation were Monday through Saturday from 11:00 a.m. to 8:00 p.m. Mr. Barbosa and 3 full-time employees would run this establishment. No alcoholic beverages would be sold.

In reviewing the floor plan, the existing 500 sq. ft. suite had a total of 6 tables that could seat a total of 20 people and there were an additional 3 seating spaces at the counter area for a grand total of 23 seating spaces in the dining area. One parking space for every three seats or one space for every 75 sq. ft. of floor area, which ever was greater, is required by code – or 8 based on the higher of the two, total seating spaces. A field visit revealed that there were 17 parking spaces held in common for the development, meeting code.

Currently there are 5' sidewalks along all perimeter streets, though the sidewalk needs to be ADA interfaced to 1<sup>st</sup> Street. With regards to landscaping, staff was recommending the installation of shrubs along the green area fronting Mayberry. All building, fire, health, landscaping, and sign codes should be complied with prior to occupancy. A total of 22 notices were mailed to property owners within a 200' radius of

the site and as of this writing (12-03-08), no comments in favor or against this request had been forwarded to the Planning Department. Staff recommended approval subject to: **1)** acquisition of a business license (which would include ADA interface to 1<sup>st</sup> Street), **2)** the dumpster be screened from public view and its location be coordinated with BFI, and **3)** 1 year re-evaluation to assess the new operation.

Acting Chair Mr. Sheats asked if there was any public opposition to the request.

There was no response.

Acting Chair Mr. Sheats asked if the applicant or representative were present.

Mrs. Beatriz B. Rodriguez, owner of the Mayberry Plaza, stated that she was in favor of the restaurant and that they need something like this in the area.

Applicant Luis Barbosa was present to address any questions that the Board might have.

Acting Chair Mr. Sheats asked if Mr. Barbosa if he would be selling alcohol.

Mr. Barbosa replied that the hours of operation would be from 8:00 to 3:00 p.m. and he would be selling Bar-B-Que and sodas only.

After brief discussion, the Chair entertained a motion. Mr. Vela moved to approve the conditional use permit subject to staff's recommendation. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:12 p.m.**

**Ended: 6:17 p.m.**

**Item# 1.7**

**Conditional Use Permit:**

**Sale & On-Site Consumption of  
Alcoholic Beverages at Cocina Del Caribe  
523 N. Conway Avenue  
Lot 12, Blk. 92, Mission Original Townsite  
C-3  
Life of Use  
Cocina Del Caribe**

Mr. Zavala went over the write-up stating that the property was at the SW corner of Conway Avenue and 6<sup>th</sup> Street. Currently on Lot 12 there was an existing building with 3 suites thereon. The applicant would be converting one of the suites into a Cuban Food Restaurant and proposed the sale and on-site consumption of alcohol. The proposed days and hours of operation are Sunday through Saturday from 7:00 a.m. to 9:00 p.m. Alcoholic beverages would only be served during the allowable State selling hours and only in the dining area. There are no schools, parks, and places of worship, within 300'. The Our Lady of Guadalupe Catholic Church was 300' 4" to the front door.

In reviewing the floor plan, the existing 1,414 sq. ft. suite had a total of 5 tables that seat 4 and 12 booths that could accommodate 4 people, each for a grand total of 68 seating spaces in the dining area. The existing building, though remodeled, would be exempt by Code from requiring new off-street parking. Nevertheless, a 10-space parking lot has been provided. Staff noted that a City parking lot at the NW corner of Conway and 6<sup>th</sup>, which had an additional 44 parking spaces, was also available.

All building, fire, health, landscaping, and sign codes were being met. A total of 23 notices were mailed to property owners within a 200' radius of the site and as of the write-up (12-03-08), no comments in favor or against the request had been forwarded to the Planning Department. Staff recommended approval subject to: **1)** acquisition of a business license, **2)** wet zone the property, and **3)** 1 year re-evaluation to assess the new operation.

Acting Chair Mr. Sheats asked if there was any public opposition to the request.

There was no response.

Acting Chair Mr. Sheats asked if the applicant or representative were present.

The owner, Mr. Hollis Rutledge, stated that the building was built in 1932 and that if there was ever a Category 4 or 5 hurricane he would be in that building. He stated that he has spent a considerable amount of money to restore the building. Mr. Rutledge stated that currently they have a pawnshop in one of the suites, he's occupying the other one for his firm, and he wishes to have this small restaurant in the empty suite.

There being no further discussion, Acting Chair Sheats entertained a motion. Mr. Rodriguez moved to approve the conditional use permit subject to staff's recommendation. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:17 p.m.**

**Ended: 6:21 p.m.**

**Item # 1.8**

**Discussion and Action to Amend the FLUM within the boundaries of Expressway 83/One Mile South Road to the North, Bryan Road to the East, South Mile 2 Road to the South, and Inspiration Road to the West, save to include Lot 12-1, West Addition to Sharyland.**

Mr. Zavala went over the write up and stated that this was one of several recent FLUM amendments. The FLUM gave the general public, developers, public officials, and interested others 'broad strokes' of how the City of Mission's land uses should be located - - it is not intended to be a rock solid depiction of a future zoning map. When determining general land uses patterns, staff typically factors in the following:

- ❖ Frontage to Existing Major Streets such as FM Roads/MPO arterials – properties next to FM Roads or State Highways (or the Expressway) have a larger tendency to be commercial or even attract apartments; if a property is next to Conway (SH 107)
- ❖ Frontage to Future Major Streets – The MPO Thoroughfare Map is a Countywide map that requires uniform ROW profiles though the road is in different cities; this MPO Map has been reviewed and approved by all municipalities to require the ROWs; other majors may come up that are not in the MPO, though (SW Loop, Anzalduas, etc.)
- ❖ Existing land uses – if adjoining next to SF Residences, the undeveloped acreage may have a higher tendency to be SF Res – the same for commercially used properties
- ❖ Existing zonings – if undeveloped acreage is in the midst of a certain zoning district (middle of R-1), the likelihood is that it will be SF used & zoned & should thus be designated for SF Res purposes
- ❖ Adjoining land uses – if undeveloped acreage is in the middle of a certain land use, then it will likely be used similarly
- ❖ Elevation of tracts – if property is naturally in a very low-lying area and it's flood zone reflects this as a perpetual hazard, then it should likely be designated as 'Public' for area wide detention purposes and not be designated for SF Res purposes
- ❖ Highest & Best use analysis – this is a common sense approach after factoring all the above items, i.e., Staff can determine what the highest & best use should be for certain acreage. For example, though there may be estate residential settings along FM 495, the long-term effect should likely be for non-residential purposes such as offices, etc.

In order to fully understand the FLUM acronyms, staff provided the following legend:

- LD – Low Density Residential; typical Single Family Residential setting; zoning would include R-1.
- LDA – Lower Density Residential; typical SF Residential setting; zoning would include R-1A.
- MD – Moderate Density Residential; typical uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes).
- HD – High Density Residential; typical would reflect apartments; possibly clustered townhouses; RV parks; zonings would usually include R-3 and R-4 (RV's).
- ● – Neighborhood Commercial; typical uses would include convenience stores, barber shops, day cares, etc.; usually found at major intersections or in midst of older residential communities to serve the immediate neighborhood; Zoning is C-2.
- GC – General Business; typical uses would include retail sales, restaurants, shops, offices, etc.; zonings include C-1, C-2, C-3.

- HC – Heavy Commercial; typical uses would include heavy equipment sales or uses that require a large outdoor sales area; zoning would be C-4.
- P – Public – typically includes schools, parks, city or county property.

Analysis: In this component of the FLUM, there should be several reconciliations of land uses/zonings to the FLUM that we believe to be the following:

<b>SITE LOCATION</b>	<b>FROM/TO</b>	<b>JUSTIFICATION</b>
Meadow Creek Country Club	LD/HD to PUD	Since Meadow Creek is a PUD it has its own land use map that is imposed
Expressway Frontage west of Conway	HC to GC	Certain areas are zoned C-3 and should be rezoned similarly which is more suitable than Heavy Commercial. Not envisioned to be zoned C-4.
Property E. of Meadow Creek N. of Mile 2 South	None to LD	Since this property is currently outside of the City Limits LD would currently be the best designation for this area due to open acreage and non-development.
SE Corner of Conway and Exp. 83	AO to HC	To be reconciled to match existing zoning and land uses.
Earnhard Subdivision	LD to I	Though there are several homes within this area, this particular subdivision is surrounded by existing Industrial uses to the north, east and south, it is located just east of the City Waste Water Facility, and it is bi-sected by a drainage canal. Industries uses will more than likely continue into the subdivision.
SE area of Trinity and Conway	None to I	The existing FLUM did not consider this area. The current zoning for this area is Light Industrial.
SW area of Trinity and Bryan Road	None to GC	The existing FLUM did not consider this area. The current zoning for this area is Light Industrial.
SW area of Bryan Road to Exp. 83	HC to GC	Though the original intent for this area was to build warehouses, hence the I-1 zone; there exist doctor's offices at this location, which is more suitably designated as GC.
NW area of Conway and Mile 2 South	None to GC	The existing FLUM did not consider this area. Since Conway is a Major Arterial and there would be future commercial development in the southern alignment along Conway, this area should be GC.

Acting Chair Mr. Sheats asked if there were any comments from the audience or board.

There was no response.

There being no discussion, the Chair entertained a motion. Mr. Garza moved to approve the FLUM amendments as recommended by staff. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

### **3.0 OTHER BUSINESS**

Mr. Zavala wished the board members 'Happy Holidays'.

#### **4.0 ADJOURNMENT**

There being no further items for discussion, Mr. Vela moved to adjourn. Mr. Rodriguez seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:22 p.m.

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Ned Sheats, Acting Chairman  
Planning and Zoning Commission