

**PLANNING AND ZONING COMMISSION
MAY 26, 2010
CITY HALL'S COMMUNITY ROOM @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Luann Caudle
Carlos Lopez
Jose G. Vela
Rene Flores

P&Z ABSENT

Marisela Marin
Mario Garza

STAFF PRESENT

Bobby Salinas
Alex Hernandez
Susana De Luna

GUESTS PRESENT

David Arce
Jose R. Mendez
Frances Garcia
Rene Barrera
Arlene Rivera
Adela Ortega
Rene De La Cruz
Armando Treviño

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:05 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MAY 12, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections. Mr. Vela moved to approve the minutes of May 12, 2010, as presented. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:09 p.m.

Item# 1.1

Conditional Use Permit:

Changeable Copy Sign

Lots 1 & 2, Grapefruit Bowl, Inc.

C-4

Life of Use

Gulf Coast Sign

Mr. Salinas briefed over the write-up stating that the subject site is located approximately 1,200' east of Glasscock Road along the south side of Business 83. The applicant is proposing to replace an existing mechanical message board (a sign you change manually) with a new LED message board for Valley Bowl and Fanatics.

Art. II, Sec. 86-41 Sign Types of the Mission Sign Code states: Changeable Copy sign means a sign or portion thereof with characters, letters, or

illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication... such changeable copy signs... are deemed a conditional use requiring the approval of the appropriate boards.

The new LED sign measures 3.3' x 8.5' (approx. 28 square ft.) sign. The maximum size allowed is 40 square feet, thus in compliance to code. The LED sign height is proposed to be 15'. The maximum height allowed for a changeable copy sign is 20', also in compliance with the sign code. Since the sign meets all of the City's requirements, staff has no objection to the sign upgrade. Staff recommends approval subject to acquiring a sign permit.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. David Arce was present to address any questions that the Board might have.

Chairman Sheats asked that they be a little considerate to the people on rainy days because LED signs tend to be much brighter than the regular sign and didn't want to create any traffic accidents.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the conditional use permit as recommended by staff. Mrs. Caudle seconded the motion. Upon a vote the motion passed unanimously

Started: 5:08 p.m.

Ended: 5:13 p.m.

Item# 1.2

**Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-site Consumption of a Social and/or Cultural Event
900 Doherty & 200 E. Tom Landry
Lots 1-7, Block 161, Mission OTS Subdivision
C-3
Mission Historical Museum**

Mr. Salinas briefed over the write-up stating that the subject sites are located on the NE corner of Doherty & Business Hwy 83 and the SE corner of Tom Landry and Doherty. Ordinance #3436 permits civic organizations to request

such conditional use permits from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event. Since the Museum has very impromptu events that come up on short notice, they are requesting the ability to be able to hold the business socials on an annual basis with this conditional use permit.

The Mission Historical Museum is requesting that the City consider issuing a conditional use permit good for 1 year, where they would be able to hold various social events in the evening hours. During these events, **complimentary** alcoholic beverages will be served **(not sold)**, where moderation will be self-monitored. If approved, staff will request the number/date/type of social/business events the City Council had during the year (for proper assessment next year). Staff recommends approval with 1 year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Representing the Mission Historical Museum, Mrs. Adela Ortega was present to address any questions that the Board might have.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:13 p.m.

Item# 1.3

**Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-site Consumption for a Social and/or Cultural Event
202 W. Tom Landry
Lots 1-12, Block 174 & Lots 7-12, Block 175,
Mission OTS Subdivision
C-3
The Greater Mission Chamber of Commerce**

Mr. Salinas briefed over the write-up stating that the subject site is located on the NE corner of Dunlap and Tom Landry. Ordinance #3436 permits civic organizations to request such conditional use permits from city-owned buildings

where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event. Since the Chamber has very impromptu events that come up on short notice, they are requesting the ability to be able to hold the business socials on an annual basis with this conditional use permit.

The Greater Mission Chamber of Commerce is requesting that the City consider issuing a conditional use permit good for 1 year, where they would be able to hold various Chamber social events in the evening hours. During these events, **complimentary** alcoholic beverages will be served (**not sold**), where moderation will be self-monitored. If approved, staff will request the number/date/type of social/business events the City Council had during the year (for proper assessment next year). Staff recommends approval with 1 year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Representing the Greater Mission Chamber of Commerce, Mrs. Arlene Rivera was present to address any questions that the Board might have.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:13 p.m.

Ended: 5:15 p.m.

Item # 1.4

**Conditional Use Permit: Sale and On-site Consumption of Alcoholic Beverages – Antojitos Mexicanos
301 W. Griffin Parkway, Ste. 1
Lot 1-D, Mission Park Plaza Subdivision
C-3
Life of Use
Antojitos Mexicanos**

Mr. Salinas briefed over the write-up stating that the 1,402' sq. ft. restaurant site is located within a commercial plaza approximately 800' west of Conway Avenue along the south side of Griffin Parkway. Access to the site is currently from Griffin Parkway and an interfaced driveway onto Church's maneuvering

lanes. All other utilities, inclusive of hydrants, are available to serve the subject property.

The intent is to establish a small family oriented Mexican restaurant where alcoholic beverages would be available to customers. Please notice the closing hour which is further indicative of their target market, i.e., *family* ambience.

- **Hours of Operation:** Everyday – 11:00 a.m. to 11:00 p.m., Alcoholic beverages will only be served during the allowable State selling hours
- **Staff:** 10 employees
- **Parking:** In reviewing the floor plan, the 1,402' sq. ft. will require 19 parking spaces (1,402'/75 sq. ft. = 18.7 parking spaces). It is noted that the parking area is held in common (78 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to existing, interlocking parking lots.
- **Sec. 6.4:** This request is compliant to Sec. 6-4, which requires that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There are none of these land uses within the above radius (measured door-to-door for church or hospital; measured lot line-to-lot line for schools).

Staff recommends approval subject to: 1) wet zoning the site (in coordination with the City Secretary's office); 2) acquisition of a business license; and 3) 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Ruben Mendez was present to address any questions that the Board might have.

There being no discussion, Chairman Sheats entertained a motion. 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: 5:15 p.m.

Ended: 5:18 p.m.

Item # 1.5

**Conditional Use Permit: Sale and On-site Consumption of Alcoholic Beverages-Mariscos El Mar Seafood Restaurant
2500 E. Expressway 83, Ste. 100
Lot 5-B, Sharyland Place Subdivision
C-3
Life of Use
Armando Trevino**

Mr. Salinas briefed over the write-up stating that the proposed 1,500' sq. ft. seafood restaurant is located within the Kohl's commercial plaza approximately ¼ mile east of Shary Road along the south side of Expressway 83. Access to the site is currently from the north (Expressway) driveway, and an interfaced driveway onto Wal-Mart's maneuvering lanes. All other utilities, inclusive of hydrants, are available to serve the subject property.

The intent is to establish a small family-oriented seafood restaurant where alcoholic beverages would be available to customers. Please notice the closing hour, which is further indicative of their target market, i.e., *family* ambience.

- **Hours of Operation:** Monday – Thursday & Sunday 10:00 a.m. until 10:00 p.m.
- **Staff:** 5 employees
- **Parking:** In reviewing the floor plan, there are 64 total seating spaces requiring 21 parking spaces (64 seats/1 space for every 3 seats = 21.3 parking spaces). It is noted that the parking area is held in common (657 existing parking spaces) & is shared with other businesses. The parking area is also connected and has access to Wal-Mart's existing, interlocking parking lots.
- **Sec. 6.4:** This request is compliant to Sec. 6-4, which requires that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There are none of these land uses within the above radius (measured door-to-door for church or hospital; measured lot line-to-lot line for schools).

Staff recommends approval subject to: 1) wet zoning the site (in coordination with the City Secretary's office); 2) acquisition of a business license; and 3) 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mr. Armando Treviño was present to address any questions that the Board might have.

Mr. Flores asked Mr. Treviño if he was the same owner of Villa Del Mar Restaurant located where Peter Piper Pizza used to be.

Mr. Treviño replied, "No".

There being no further discussion, Chairman Sheats entertained a motion. Mr. Flores moved to approve the conditional use permit as recommended by staff. Mr. Vela seconded the motion. Upon a vote the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:31 p.m.

Item# 1.6

Rezoning:

**A 2.69 acre tract of land out of Lot 29-7,
West Addition to Sharyland Subdivision
AO-I to R-3
Francis Garcia**

Chairman Sheats entertained a motion to remove this item from the 'Table'. Mrs. Caudle moved to remove the item from the table. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

Mr. Salinas stated that when this item was discussed last time, a petition was filed at the meeting. There were a total of 27 notices mailed to property owners within the 200' mail-out radius: 5 (18%) opposed, & 5 (18%) favored the request.

GRAFFITI: On comments opposing the R-3 zone, it included graffiti to nearby structures being attributed to the apartments in general, & the apartments at 2 ¼ mile north Mayberry specifically. Vandalism by apartments were even attributed to the painted wall at 2 Mile/Stewart Road being *over 1 ¼ mile to the east* which is a substantial distance by all standards (NOTE: via the power point picture shown at the last hearing). Since there is graffiti in areas where there are NO apartments in the general vicinity, and graffiti is a continual concern in all cities & not just in Mission, the generalized conclusion that '*only apartments induce graffiti*' is inconclusive at best & in error at worst...in conferring several

times with Mission PD on this matter, the foundation of such misbehavior is ultimately a *parenting* issue & not an '*apartment*' issue. With this expressed, Staff will focus on Garcia's apartments which is on a 2.69 acre tract than the existing apartments at the 2 1/4 mile Mayberry juncture (on a 14+ acre tract).

APT. TYPE/2 MILE ROAD/ACCLIMATION: We understand that the residential apartments will be upscale, landscaped, & enclosed by perimeter walls/fencing *and* where the actual owner will reside at her existing home within this same tract which reason would dictate a pattern of continual maintenance & noise control...the motive for such monitoring would be *self-preservation* because *IF* it is not controlled, then her tenants will simply go somewhere else. The subject property will only have one access point at 2 Mile Road. 2 Mile Road is a future major thoroughfare. It is evolving in phases, i.e., is currently under construction to be widened but not to its ultimate 65' width (at this time). With this longer range perspective, apartments are not an un-common user among such major streets. For example, there are several apartments along Bryan Road (Fairway Drive/Bryan), Griffin Parkway (NW Stewart/FM 495), & even Taylor Road (NW area Taylor/FM 495) that seem to be successful since they are well-kept, landscaped and/or buffered (NOTE: '*successful*' as in acclimating well in their surroundings, i.e., no complaints of noise, graffiti, or decreased area values; quality of life is not depreciated).

PROPERTY VALUES: There was no measureable evidence presented at the last public meeting that the incoming apartments would suddenly depreciate property values either. The comment was made that since there are many R-1 lots '*not sold*' in a nearby residential subdivision, it must be because of the apartments at 2 1/4 mile Mayberry. However, if that were the case, then why are there many residential subdivisions in all areas of Mission (not to mention other Valley cities) that have lots of vacant lots '*not sold*' either and where there are no nearby apartments? As one example along 2 Mile Road, there is a residential subdivision called Mountain View at the NE corner of 2 Mile/Los Ebanos that has hundreds of available lots but only 1 house has been built thereon...we note that there are no nearby apartments & that Mountain View's perimeter wall has been tagged several times with graffiti. Finally, we note that even the Sharyland Plantation PUD south of Cimarron has an intensive catalog of available lots. The reasonable conclusion would be that the nationwide economy is likely responsible.

MIXTURE OF LAND USES: Valley Paving to the east is a Heavy Commercial (HC) operation that has existed for several decades and actually adjoins a residential area but is buffered from them. The mixture of land uses include significant properties that are institutional which includes the elementary school to the south, the high school to the SE, & a church to the NW in an assembly-

type building that was actually built by Rene de la Cruz, the voice of opposition during our last meeting. In fact, when Rene's assembly building was built for a banquet hall adjoining a residential subdivision, there was intense opposition from the residential adjoiners at Black Oak due to a fear of '*decreased property values*'. The banquet hall, in the county area at the time, was buffered from the residential area. With years of perspective & use of this old banquet hall now desired for a church, there has been no solid evidence of value depreciation either (even when it was used as a banquet hall).

CONCLUSION: If a current buffered HC user & a previously used banquet hall did not depreciate property values, then how could a new residential complex that is landscaped & properly buffered & with the owner residing there, suddenly cause such a plethora of problems? The answer is that it would not.

With the above justification, Staff's reiterates support of the R-3 proposal.

Chairman Sheats asked if there was any public opposition to the request that had anything different than what was said at the previous meeting.

There was no response.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mrs. Frances Garcia was present to address any questions that the Board might have.

Mrs. Caudle mentioned that her only concern was traffic.

Mr. Rene Barrera stated that usually traffic studies are done for this particular reason and believes that the widening of 2 Mile Road would alleviate the traffic problem.

Mrs. Caudle mentioned that her concern was for the children's safety. She added that she was not against the request, but did want to voice her concern.

Mrs. Garcia stated that she has lived in this area for a while now and both of her sons have gone to this school but she has not seen any children crossing the street because the school had redirected the drop off lane to the back of the school.

Mrs. Caudle mentioned that she had not been to the site lately but it was good to know because that would address her concern for the children's safety.

Mr. Salinas mentioned that once the applicant had a site plan it, would need to come before P&Z for approval where we would have the opportunity to review the applicant's landscaping, buffering and access proposals.

Mr. Rene De La Cruz stated that for the record he just wanted the Board to know that if the rezoning was approved it would only be adding more fire to the existing problems.

Chairman Sheats stated that this was one of the reasons the City had the Police & Fire Department to help out with those types of situations.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Flores moved to approve the rezoning as recommended by staff. Mr. Lopez seconded the motion. Upon a vote the motion passed unanimously.

2.0 OTHER BUSINESS

There was no other business.

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mrs. Caudle moved to adjourn. Mr. Vela seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:32 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission