

**PLANNING AND ZONING COMMISSION  
AUGUST 25, 2010  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Mario Garza  
Carlos Lopez  
Jose G. Vela

**P&Z ABSENT**

Luann Caudle  
Marisela Marin  
Rene Flores

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Sonia Carnes  
Irasema Dimas

**GUESTS PRESENT**

Eduardo Chavira  
Kristy Ritchie  
Janet Gonzalez  
Victoriana Gonzalez  
Patricia Tejada

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:02 p.m.

**CITIZENS PARTICIPATION**

There was no response upon inquiry.

**APPROVAL OF MINUTES FOR JULY 28, 2010**

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Garza moved to approve the minutes of July 28, 2010 as presented. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:12 p.m.**

**Item# 1.1**

**Conditional Use Permit:**

**To modify equipment & co-locate antennas  
Into the existing self-support tower  
1711 Merlin Dr.  
Lot 13, Stewart Terrace Subdivision  
R-1  
Life of Use  
San Antonio MTA, L.P.  
D/B/A Verizon Wireless**

Mr. Zavala briefed over the write-up stating that the site is located on the NW corner of Balcones and Merlin Dr. Verizon is in the process of upgrading their wireless communications network in South Texas and throughout the Rio Grande Valley. As cited above, Verizon wishes to modify its equipment within one of the existing shelters and upgrade one of the antennas on the existing self-support tower.

The existing shelter is outside any easements and exceeds applicable building setbacks. Access to the site is provided through Merlin and/or Balcones Dr. In a highly visible residential area, Staff suggests that the area around the antenna containment be highly landscaped and maintained trimmed in order to improve aesthetics. In addition, 4' sidewalks will be required along the perimeter streets. On 11/29/06 a similar CUP was requested though the applicant did not follow through; thus those private improvements were not done. Staff recommended approval subject to: **1)** 4' sidewalks and landscaping as noted above, **2)** approval for life of use.

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.

Ms. Kristy Ritchie representing Verizon Wireless was present to answer any questions.

Chairman Sheats stated that this tower had already applied for the permit before and some of the requirements were some landscaping and maintenance. He mentioned that since the tower was not in an Industrial zone it should be well maintained. Chairman Sheats stated that along with landscaping, it requires maintenance and he researched that there was a water line on the north side of the property which could be use to activate a water meter for irrigation purposes.

Chairman Sheats also mentioned that he would like to see an 8' cedar buffer fence along the tower and asked Ms. Ritchie if it would be possible to comply with this requirement.

Ms. Ritchie replied that she was not authorized to make that commitment since she was there only to speak on the antenna equipment modifications.

Chairman Sheats asked Mr. Zavala if they could 'table' the item since she couldn't commit on the requirements.

Mr. Zavala replied that one of the problems with wood fencing is that it would serve as a canvas for kids to graffiti, but there are other alternatives that would have the same effect, such a nylon screen or slats.

Chairman Sheats replied that the nylon screen or slats would work.

Mr. Zavala stated that as far as putting it on the table maybe the Commission could require that the tower be screened from public view and proceed with the vote. That way, the applicant can check with the authorized personnel on the fence and continue with their work.

Chairman Sheats stated that they would continue with this request as long as the applicant contacts staff to confirm their compliance with the additional screening requirement.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff with the additional screen for the chain link fence. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:12 p.m.**

**Ended: 5:14 p.m.**

**Item# 1.2**

**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 Original Townsite**

**C-3**

**The Greater Mission Chamber of Commerce**

Mr. Salinas briefed over the write-up stating that Ord. #3436 permits civic organizations to request such CUPs from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event. On 5/26/10, P&Z voted to approve a request by the Mission Chamber of Commerce for the offering of alcoholic beverages for 1 year. However, the City Council felt that it would give the Chamber too much latitude and requested that they apply for each event in which they wish to serve alcoholic beverages. The Mission Chamber is now requesting that the City consider issuing a CUP that would allow the serving of complimentary alcoholic beverages during a Business Appreciation Mixer to be held on September 16, 2010 from 6:00 p.m. to 8:00 p.m. The Mission Chamber firmly attests that they will be watchful of how much the patrons are responsibly served. Staff recommended approval.

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

There was no response.

Chairman Sheats asked if the applicant or representative was present.

There was no response.

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

Mr. Lopez asked who would be liable if they over consume.

Mr. Zavala stated that depending on the circumstances, there's no real answer for that because a person may only consume 1 drink but they also may have a record of driving recklessly. There are too many variables and would rather not answer the question in an open forum.

Since there was already a motion and a second the Commission proceeded to vote. Upon a vote, the motion passed 3-1 with Mr. Lopez dissenting the motion passed.

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

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

**Item# 1.3**

**Conditional Use Permit:**

**Portable Building for the Sale Sno-Cones,  
Corn, & Snacks  
3300-C N. Inspiration Rd.  
(Kings Mart Convenience Store)  
Lot 1, Gomez Subdivision  
C-2  
Life of Use  
Janet Gonzalez**

Mr. Salinas briefed over the write-up stating that the site is located on the NE corner of Mile 2 and Inspiration Road. He stated that during P&Z's 7/14/10 meeting, a CUP for an existing portable building as placed on the 'table' due to the owner stating that she did not want that particular portable to remain on her property. She mentioned that her daughter wanted to install a portable building of her own and knew that the City would not allow two portable buildings on the same property. There was also a question on whether the current renter of the King's Mart had the right to sub-rent the property to others. The involved parties have agreed that there will not be any rental of the existing portable; thus Janet Gonzalez will be the only CUP allowed on the subject site. The existing portable will be removed from the property.

Ms. Gonzalez is proposing a new 12' X 12' portable building to be located in the area northwest of the King's Mart Convenience Store. The site has access from both Inspiration and 2 Mile Road. The current renter of the King's Mart property has authorized Ms. Gonzalez to use the King's Mart restroom facilities for her business. There will be no tables/chairs for on-site consumption. The proposed hours of operation are everyday from 1:00 p.m. to 9:00 p.m. Ms. Gonzalez and 1 other employee will be operating the stand. There are a total of 16 parking spaces at King's Mart Convenience Store. Parking is sufficient for the proposed use since the King's Mart Convenience Store is not active and is currently being used for 'storage'. Upon a visit, staff noticed that the parking facilities would need to be re-striped prior to obtaining a business license.

Staff recommended approval subject to: **1)** removal of existing portable building, **2)** re-striping the parking lot, **3)** acquiring a business license, **4)** 1 year re-evaluation, **5)** skirt the building, and **6)** removal of the existing BBQ stand.

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.

Ms. Gonzalez was present to answer any questions from the board. She stated that she would be complying with all the requirements.

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

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

**Ended: 5:26 p.m.**

**Item # 1.4**

**Conditional Use Permit:**

**Drive-thru Service Window**

**"Pico's Restaurant"**

**1500 W. Griffin Parkway**

**W. 180' – E. 440' – S. 100' out of Lot 25-2,**

**West Addition to Sharyland Subdivision**

**C-3**

**Life of Use**

**Logistica Frontera, LLC**

Mr. Salinas went over the write up stating that the site is located on the NW corner of Wednesday and Griffin Parkway. The applicant is currently remodeling the

existing 60' X 43.8' (2,628 sq. ft.) building. Part of the remodeling includes removing a portion of the building in order to re-open a drive-thru window that previously existed. (NOTE: Before being enclosed the drive-thru window was last approved on 6/26/02). The location of the drive-thru service window provides enough stacking for at least three vehicles. However, when exiting, the paved lane needs to be widened northward to facilitate maneuvering on a paved surface. Access to the site is provided off of both Griffin Parkway (26' driveway) and Wednesday (24' driveway). There are a total of 52 seating spaces, which require 17 parking spaces ( $52 / 3 = 17.3$ ). The site currently has 21 parking spaces, thus meeting code. There is a 6' buffer to the residential north.

- Days / Hours of operation: Everyday from 6 a.m. to 10 p.m.
- Staff: 6 employees
- Sidewalks have been provided along Griffin Parkway, Wednesday, and Tuesday St., however there is a 28' portion along the Tuesday frontage that has not been installed. This portion of sidewalk will have to be installed prior to receiving a business license.
- 7 – 3" caliper shade trees should be provided (Lot has access to 3 streets and is very visible).
- Comply with the City's Sign Ordinance.
- During the on-site inspection, staff noticed that the front portion of the trash buffer was missing. This must be installed prior to business license acquisition.
- A business license is required prior to occupancy.

Staff recommends approval subject to: **1)** provide additional landscaping as noted above, **2)** provide the missing portion of sidewalk along Tuesday St., **3)** provide the missing portion of the trash buffer, **4)** comply with the City's Sign Ordinance, **5)** acquire a business license prior to occupancy. (NOTE: All other items must be met prior to receiving the business license), and **6)** expanding the driveway on Wednesday in order to have a better maneuverability.

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.

Mr. Eduardo Chavira stated that he would be complying with all the requirements from the board.

There being no discussion, Chairman Sheats entertained a motion. 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.

### **3.0 ADJOURNMENT**

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Garza moved to adjourn. Mr. Vela seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:27 p.m.

---

Ned Sheats, Chairman  
Planning and Zoning Commission