

**PLANNING AND ZONING COMMISSION
FEBRUARY 13, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Raquenel Austin
Debra Lee Alvarez
Hector Moreno

P&Z ABSENT

Ned Sheats
Jose Luis Morin

STAFF PRESENT

Virgil Gonzalez
Kristin J. Warshak
Joel Chapa, Jr.

GUESTS PRESENT

Diorica Maldonado
Aaron Balli
Nicolas Elizondo
Maxi Lou Link

Beverly Risley
Darrell Myska
Jason Billman
Fred Kurth

Martin Risley
Frank Trevino
Chris Vargas
Rene Barrera

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:31 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR JANUARY 23, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for January 23, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mrs. Debra Lee Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:43 p.m.

Item #1.1

Rezoning:

**21.632 acres out of Lot 204,
John H. Shary Subdivision
AO-I & C-4 to R-1
Domain Development Corp.
c/o Melden & Hunt, Inc.**

Mr. Virgil Gonzalez went over the write-up stating the subject site is located near the SW corner of Business Highway 83 and Shary Road. The irregular lot measures total

28.555 acres, if approved the land will be need to be subdivided prior to any construction.

SURROUNDING ZONES: N: C-4 & I-1 Heavy Commercial & Light Industrial
E: C-3 General Commercial
W: C-4 & R-4 Heavy Commercial & Mobile & Modular Home
S: C-4 Heavy Commercial

EXISTING LAND USES: N: Mixed Uses (Commercial and Industrial)
E: Mixed Uses (Commercial)
W: Mixed Uses (Commercial and Residential)
S: Commercial
Site: Vacant

FLUM: General Commercial (GC) & Heavy Commercial (HC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects both a General Commercial (GC) and Heavy Commercial (HC) at near the corner of Shary and Business Highway 83. While our Future Land Use Map does reflect Commercial as the best possible use, we have residential behind commercial up and down Shary Road. The applicant would like to follow this same concept.

RECOMMENDATION: Approval.

Chairwoman Izaguirre asked if there was any opposition to Item #1.1.

Mr. Jason Billman stated he had no opposition, but did have some concerns to address. He owns Twin Lakes RV parks and currently have some pretty serious drainage issues. He is curious to know how this will be handled for drainage.

Mr. Virgil Gonzalez stated that at this time the item is just for a rezoning, and once a subdivision application is submitted it has to be accompanied by an approved drainage report before anything else can be done.

Mr. Jason Billman then stated if that was the case then he is “against” the rezoning to R-1. It would just tax an already overburdened drainage system that is not working by adding asphalt and paving. He showed pictures to the board of his property as a result of the heavy rains in June last year.

Chairwoman Izaguirre asked if there were any other questions or anyone else with comments.

Mrs. Maxilou Link, a resident of Valley View Subdivision, stated residents of Valley View are not against development, but are against the water drainage. How will the drainage be taken care of?

Mr. Darrell Myska, owner of Lone Star B-B-Que wanted to bring to the attention of the board that his commercial location sits right in front of the proposed rezoning. His concern is at times he does smoke meat which causes smoke of which may go right through the development.

Mr. Fred Kurth, Melden and Hunt, clarified that right now the item is just for rezoning. Some drainage plans have been submitted to the drainage district which is being reviewed. He stated they are aware of the drainage issue in the area. The only drainage is on Shary Road. They will be working with the city with respect to what is going to be required from them as far as the subdivision development.

Mr. Martin Risley, resident of Valley View Estates asked about access into the subdivision. He too expressed concerns about drainage in the area.

Mr. Virgil Gonzalez clarified the item before the board is for rezoning only; however, preliminary plans for subdivision have been submitted showing access from Shary Road and Business 83.

Chairwoman Izaguirre asked if the city engineer has reviewed any drainage plans.

Mr. Gonzalez said at this time no official plans or drainage report have been submitted to the planning department.

Chairwoman Izaguirre wants to make sure the comments are taken under consideration.

Chairwoman Izaguirre asked for a motion.

Mr. Javier Barrera moved to approve the rezoning request as per staff's recommendation. Mrs. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:51 p.m.

Item #1.2

Rezoning:

**The North 5 acres of Lot 42,
Bell Woods Company's Subdivision "C"
AO-I & R-3
RT Real Investments, LLC
c/o Frank Trevino**

Mr. Virgil Gonzalez went over the write-up stating the subject site is located on the east of Trosper Rd. about 1700' north of W. 2 Mile Rd. The lot measures 366' x 594' and has a total square footage of 217,404 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: P & AO-I – Public and Agricultural Open Interim
S: R-2 & C-2 – Duplex-Fourplex Residential & Neighborhood Commercial

EXISTING LAND USES: N: Agricultural
E: Agricultural
W: Escobar/Rios Elementary School & Residential
S: Residential
Site: Residential

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects Low Density (LD) Residential reflecting that R-1 remains the best compatible use for the neighborhood. Rezoning the site R-3 would appear to have a detrimental devaluation to the surrounding SF residences.

RECOMMENDATION: Denial.

Chairwoman Izaguirre asked if there was anyone against Item #1.2.

There was none.

Chairwoman Izaguirre asked if the applicant was present.

Mr. Rene Barrera appeared on behalf of the applicant. Mr. Barrera explained that the developer would like to have a private gated subdivision for duplex developments with two residential units per lot.

Mrs. Debra Lee Alvarez asked, "What is the rationale between the R-3 and R1-T recommendation?"

Mr. Gonzalez explained that due to the future land use map calls for low density which is an R-1 which is why an R1-T is being recommended. The lots are smaller and the developer would be able to put more houses per lot.

Chairwoman Izaguirre asked what could be built on an R1-T?

Mr. Gonzalez replied the only difference is the lots are smaller, so one house per lot. The setbacks will be 0' line. The minimum square footage will be interior lots at 2,000 square feet or 3,000 square feet for exterior lots.

Mr. Javier Barrera asked about the lot size for duplex.

Mr. Gonzalez stated the lot size would be 7,000 square feet for interior and 8,000 square feet for exterior.

Chairwoman Izaguirre added that the developer could still build a two-story townhome on a smaller lot.

Discussion amongst the board, staff, and applicant regarding setbacks for R1-T zone.

There was no further discussion.

Mrs. Debra Lee Alvarez moved to deny the rezoning request of R-3, but approve as R-1T. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:54 p.m.

Item #1.3

Conditional Use Permit:

**Sale & On-site Consumption of Alcoholic
Beverages – Balli's Terrace Event Center
1509 Industrial Way
Lot 5, Mission Business Park Subdivision
I-1
Belinda Balli Catering, LLC**

Mr. Gonzalez went over the write-up stating the subject site is located near the International Boulevard and Industrial Way intersection along the south side of Industrial Way. Ms. Balli is requesting a CUP for the sale and on-site consumption of alcoholic beverages at this location. Currently, Ms. Balli and her brother operate an Event Center at this location.

- **Hours of Operation:** Monday through Sunday from 10 a.m. to 2a.m. with most events taking place on Friday and Saturday.
- **Staff:** 2 employees plus contract staff man the operation.
- **Parking and Landscaping:** This business has existing as an event center since mid-2000's. The Balli's took ownership in 2016. Parking and Landscaping are existing and exceed the minimum City Codes for an event center of this size.
- **Alcoholic Beverages:** This request is compliant with Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public school, private school, or hospital. There are also no residences within 300' of this event center.

REVIEW COMMENTS: The types of activities that Ms. Balli will be hosting range from weddings, quincianieras, Christmas parties, reunions, birthday parties, seminars, and business conferences. The hours of operation vary depending of the type of activity; however, most events are during the evenings and on weekends and typically take place during the hours from about 7:00 p.m. till 2:00 a.m.

RECOMMENDATION: Staff recommends approval for 2 years from the issuance of the TABC permit.

Mr. Gonzalez added that the applicant is applying for a beer and wine license which will only allow the hours of operation be until 12:00 a.m. Sunday – Thursday and until 1:00 a.m. Friday and Saturday.

Chairwoman Izaguirre asked if there was any opposition to Item #1.3.

There was none.

Chairwoman Izaguirre asked if the applicant was present.

Mr. Aaron Balli was present to answer any questions the board might have stating he agreed with everything Mr. Gonzalez stated with exception to the hours of operation.

There being no further discussion Chairwoman Izaguirre called for a motion.

Mrs. Raquene Austin moved to approve the conditional use permit. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:54 p.m.

Ended: 5:57 p.m.

Item #1.4

Conditional Use Permit: **Sale and On-Site Consumption of Alcoholic Beverages – Beef Outlaws Bar & Grill**
2714 N. Conway Avenue
Lot 9, North Town #1 Subdivision
C-3
Christopher Vargas

Mr. Gonzalez went over the write-up stating the subject site is located within a commercial plaza located on the Southeast corner of Conway and E. 28th Street. The applicant desires a CUP for the sale and onsite consumption of alcohol at this location to be allowed. Mr. Vargas is in the process of remodeling this location for a BBQ Bar & Grill establishment.

- **Hours of Operation:** Monday – Sunday from 11:00 am to 12:00 am
- **Staff:** 9 employees

- **Parking:** There are 82 total seating spaces, which requires 27 parking spaces (82 seats/1 space for every 3 seats = 27 parking spaces). It is noted that the parking area is held in common (71 existing parking spaces) with other smaller suites.
- **Landscaping:** There is existing landscaping along Conway and is in compliance with code.
- **Alcoholic Beverages:** This request is compliant with Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public school, private school, or hospital. There are residences within 300' of this proposed restaurant.
- **Bars:** 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 are single family residences to the east within 300'. A waiver of this requirement is required for approval of this CUP.

REVIEW COMMENTS: Beef Outlaws Bar & Grill is a family-oriented restaurant that will acclimates to this commercial location. Although there are two small bar sitting areas, the restaurant is not open past 12 a.m.

Since the sale of alcohol is not the primary intent of the applicant, staff does not object to this proposal. Additionally, notices were sent to property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION: Staff recommends approval for 2 years from the issuance of the TABC permit and waiver of the 300' requirement for alcohol near residences.

Chairwoman Izaguirre asked if there was anyone against Item #1.4.

There was none.

She then asked if there was anyone for Item #1.4.

Mr. Chris Vargas, applicant was available to answer any questions the board might have.

Chairwoman Izaguirre asked for a motion for Item #1.4.

Mrs. Raquene Austin made a motion to approve Item #1.4. Mrs. Debra Lee Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 6:00 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Window – Proposed
Restaurant
2211 E. Griffin Parkway, Suite 240**

**2.444 acres out of Lot 254
John H. Shary Subdivision
C-3
Café Paris**

Mr. Virgil Gonzalez went over the write-up stating the subject site is located 300' west of Citrus along the north side of Griffin Parkway (F.M. 495). There is a commercial plaza currently under construction and the owner would like to offer the side two suites with drive thru service windows for proposed restaurants. Mr. Elizondo, owner/developer, would like to incorporate the drive-thru windows into the construction while the commercial plaza is being built. If approved, this particular CUP would be for Suite 240 and it would be for the operation of Café Paris. Café Paris is known as a local bakery with several establishments through the Rio Grande Valley. Their intentions are now to offer some food items to their menu. Access to the site is from a 35' driveway from Griffin Parkway. Café Paris will be located at the east end of the commercial plaza.

- **Hours of Operation:** Monday – Sunday from 7:00 am to 10:00 pm
- **Staff:** 9-10 employees
- **Parking:** Parking is held in common at this location and consists of 145 parking spaces exceeding the requirements for a commercial plaza of this size.
- **Landscaping:** The commercial plaza is under construction but their landscaping plan is in compliance with code.

REVIEW COMMENTS: The bakery's service window allows for 3 vehicles to be easily stacked. There have been no complaints regarding the drive-thru service window. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request.

RECOMMENDATION: Staff recommends approval subject to a 1-year renewal and the CUP not being transferable to others.

Chairwoman Izaguirre asked if there was any opposition to Item #1.5.

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

Chairwoman Izaguirre called for a motion.

Motion was made by Mr. Javier Barrera to approve the conditional use permit. Mrs. Raqueneel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 6:00 p.m.

Item #1.6

Discussion and Action to Abandon a .034 acre tract of and out of that southeasterly portion of Block 4, Erdahl Subdivision

Mr. Gonzalez went over the write-up stating the City of Mission holds public hearings on issues involving any abandonment of public ROWs. Public notification procedures (similar to re-zonings) have been activated, i.e. notices were sent to owners within a 200' radius, plus a publication of such 'ROW easement abandonment' placed in the City's newspaper.

SITE: The site is located near the NW corner of Holland and U.S. Expressway 83. The recorded plat shows a 30'x150' ROW that has been used as an access easement by 3 property owners thereon. This is abutting to the site that at one point had the pedestrian bridge, also remembered as 'la cuchilla bridge', which would take people from one side of Expressway 83 to the other.

REVIEW COMMENTS: Recently, Staff received a visit from a property owner who purchased the surplus land from the City in 2015. Mr. Xavier Romero, the property owner, was questioning the size or amount of land that was involved in his purchase from the City. In 2015, the City of Mission sold the property referenced above plus an additional 10' of ROW that was shown on the recorded plat as a 30' 'alley'. In the sale, the City reduced the recorded 30' alley section to 20' which is the more typical or standard width for an alley. It is noted that the existing paved area that grants access to the abutting 3 land owners remains the same and this sale of property did not impact the residents from accessing their property. Staff learned that although an additional 10' was legally sold to Mr. Xavier Romero, the abandonment of those 10' was not formally approved by PNZ and City Council. This is merely a corrective measure that the City is taking so that the additional 10' that was sold to Mr. Romero gets officially abandoned.

RECOMMENDATION: Staff does not object to the abandonment of the ROW. This is a public hearing item and public input is required.

Chairwoman Izaguirre asked if there was any opposition to Item #1.6.

There was none.

Chairwoman Izaguirre asked the board for any questions or comments.

There was none.

Chairwoman Izaguirre asked Mr. Gonzalez what happens after the abandonment.

Mr. Gonzalez explained the process that should have been taken when Mr. Romero bought the property, and this is just a procedure.

Chairwoman Izaguirre called for a motion.

Motion was made by Mr. Hector Moreno to approve the conditional use permit. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:03 p.m.

Ended: 6:05 p.m.

Item #2.0

Preliminary & Final

Plat Approval:

Las Comadres #6 Subdivision

**A Re-Subdivision of a 40.00 acre tract
of land being all of Lots 9, 10, 11 and 13,
Block 3, Texan Gardens Subdivision
ETJ**

Developer: Valley Caliche Products, Inc.

Engineer: Melden & Hunt, Inc.

Mr. Virgil Gonzalez went over the write-up stating the proposed subdivision is located along the east side of Iowa Road approximately ¼ south of 3 Mile Road. The developer is proposing 66 Single Family Residential lots all exceeding area requirements.

WATER: The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 8" line located along Iowa Road to provide water service to each lot. There are no fire hydrants provided for this Rural ETJ subdivision.

SEWER: Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN.

STREETS & STORM DRAINAGE: The subdivision has frontage to Iowa Road a paved county road with 120' of ROW. An additional 30' of ROW will be dedicated along Iowa Road via this plat. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. Drainage for the subdivision consists of surface runoff from street flowing towards type CC inlets located in key areas into a drainage system which will discharge into Hidalgo County Precinct 3 Regional Detention Facility (RDF) about 766 feet to the south of Iowa right-of-way, via a 42" RCP drainage system.

RECOMMENDATION: Staff recommends approval subject to meeting the Model Subdivision Rules, complying with the street alignment policy and meeting any comments from the County Planning Department.

Chairwoman Izaguirre asked the board if there were any questions. She confirmed a drainage report was included.

Chairwoman Izaguirre called for a motion.

Motion was made by Mr. Javier Barrera to approve the conditional use permit. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

There was no other business.

**ITEM #4.0
ADJOURMENT**

There being no further items for discussion, Mrs. Raquene Austin moved to adjourn the meeting. Mr. Javier Barrera seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:06 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission