

**PLANNING AND ZONING COMMISSION
JANUARY 22, 2020
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Hector Moreno
Ruben Arcaute
Jasen Hardisen

P&Z ABSENT

Debra Lee Alvarez
Raquenel Austin

STAFF PRESENT

Jaime Acevedo
Susana de Luna
Jesus Galicia
Jessica Munoz
Carmen Castro
Joel Chapa
David Flores

GUESTS PRESENT

Robert Gonzalez
Lupe A. Gonzalez
Richard Sanchez
Niloni Sanchez
Christopher Fuentes
Maria Gloria de Leon
Iris Dovalina

Luis Dovalina
Olga Sanchez
Aurora Perez
Edgardo Perez
Rugen Martinez
Valeria Valverde
Clark Spikes

David Marroquin
Yolanda Hernandez
Laura Castaneda
Joe & Berta Alvarado
Kari Colley
Juan Carrillo

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:30 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR JANUARY 8, 2020

Chairwoman Izaguirre asked if there were any corrections to the minutes for January 8, 2020. Mr. Javier Barrera moved to approve the minutes as presented. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:30 p.m.

Ended: 5:32 p.m.

Item #1.1

Discussion and Action to Amend the Planning and Zoning Board Bylaws

Mr. Acevedo stated that currently the P&Z board does not have an alternate member. In conversation with City Mayor they felt it was appropriate to have an alternate board member. This member will have full voting power whenever there is an absence in the board.

Mr. Acevedo stated that other boards have alternates as a safe guard should there be a need to have a full quorum, although cancelling a meeting was not something we had to do in 2019. This will give assurance as we had meetings we barely had quorum. Chairwoman Izaguirre asked if there was anyone in favor or against the request.

There was none.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:37 p.m.

Item #1.2

Discussion and Action to Amend the Carport Ordinance

Mr. Jaime Acevedo stated that currently open carport structures for residential properties along designated major thoroughfares may be built within the minimum 40-foot front setback. He added that staff prepared 6 exhibits for P&Z's consideration.

- 1) 10' front setback and 6' side setback
- 2) 10' front setback and 4' side setback
- 3) 10' front setback and 2' side setback
- 4) 8' front setback and 6' side setback
- 5) 8' front setback and 4' side setback
- 6) 8' front setback and 2' side setback

Mr. Acevedo stated that on previous months Code Enforcement did a sweep on the west side in which it was found that a lot of carports were in violation of the front setbacks.

Chairwoman Izaguirre asked if there was anyone in favor or against the request.

There was none.

Mr. Acevedo recommend for the carport to be 10ft front setback and 4ft side setback.

Chairwoman Izaguirre stated I personally liked the carport being 8ft front setback by 4ft side setback, along with Mr. Hardisen.

Mr. Hardisen asked Mr. Acevedo why are you recommending the carport to have a 10ft front setback?

Mr. Acevedo replied since the current front setback is 20ft, having a 10ft front setback was a compromise in the middle, but at the same time having a carport at 8ft front setback is more convenient for the home owners; I recommends to keep the aesthetics of the home because having metallic carports like the ones sold along the expressway are not the ideal image.

Mr. Hardisen asked are the carports going to stay open, since they are carports that you are not able to see at the back of the house.

Mr. Acevedo responded the carports will be totally open, and it is one of the conditions of the approval.

Chairwoman Izaguirre asked are there going to be in all subdivisions.

Mr. Acevedo stated another condition for approval is that it would only be allowed in subdivision older than 20 years and HOA consideration is also needed.

Chairwoman Izaguirre stated that having the carport with 8ft front setback and 4ft side setback is better since the home owner is going to spend the money doing the carport, its better if it will cover more of the vehicle.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:38 p.m.

Item #1.3

Rescind Article V Junk, Wreck and Abandoned Motor Vehicles and Replace with the Transportation Code Chapter 683 Subchapter A through E

Mr. Acevedo stated we are rescinding article V in its entity and adopting State law with the exception of the carport cover. The city will still allow a junked vehicle parked in the property if is covered with a proper car cover.

Chairwoman Izaguirre asked if there was anyone in favor or against the request.

There was none.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:37 p.m.

Item #1.4

Discussion and Action to Amend the Noise Ordinance

Mr. Acevedo stated the current ordinance is subjective and it allows any citizen to make a call if they consider someone is being too loud, but for the same reason there was more research done with other cities and we are adopting a decibel.

Chairwoman Izaguirre stated that before taking any action in item she would like to hear how loud are the decibels the city is recommending.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardisen moved to “table” the item. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:39 p.m.

Ended: 5:41 p.m.

Item #1.5

Rezoning:

**A 0.64 acre tract of land out of a portion
of the South 246.10’ of Lot 245,
John H. Shary Subdivision
AO-I to C-1
Coram, LLC**

Mr. Acevedo went over the write-up stating that the square shaped property is near the intersection of Shary Road and E. 22nd Street along the east side of Shary Road.

SURROUNDING ZONES:

**N: AO-I Agricultural Open Interim
E: R-1 Single Family Residential
W: R-1 Single Family Residential
S: R-1 Single Family Residential**

EXISTING LAND USES:

**N: Residential
E: Residential
W: Residential
S: Residential**

FLUM: The Future Land Use Map reflects a General Commercial designation. This request is within the Future Land Use designation of General Commercial. In 2019, the Future Land Use map was amended and properties with frontage to Shary Road were recommended for commercial consideration.

Staff recommends approval.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

The applicant Jaime Ramirez stood up to answer any questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the rezoning. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:43 p.m.

Item #1.6

**Conditional Use Permit: To Place a Wood Frame Home on a Property Zoned (R-4) Mobile & Modular Home District 2107 Pleasant Lane
A tract of land out of the North 206.28' of Lot 31, Sharyland Orchards (aka E60'- W162'-N88.14' out of Lot 3, R/S Lot 31, King Mobile Park)
R-4
Yolanda Hernandez**

Mr. Acevedo stated that this item was tabled and later no action taken on November, 2019, due to the aesthetics of the residence. Improvements have been made and reconsideration on this item is needed. The sites are located within King's Mobile Subdivision along the north side of Pleasant Lane. The lot's dimensions are 60' X 88.14' or 5,288 sq. ft.

ZONING CODE: Section 1.40(3f) of the Mission Zoning Code under Conditional Uses allows for: "One single-family dwelling per lot. Structures must meet the requirements of the R-1 district."

VARIANCE: Being that the lot has 88.14' of lot depth, the subject site does not meet the R-1 requirements. A variance from the P&Z will be required should this CUP be approved.

Being that this property has an R-4 zoning a CUP is required prior to construction or moving in a wood frame home. A site visit revealed that several single-family residences have been constructed or moved in at this location. Most recently, similar requests have been approved by PNZ on July 25, 2012 for a home at 2111 Pleasant Lane, On July 25, 2012 for a home at 2116 Pleasant Lane, and then later again in on May 11, 2016 for a home at 2124 Pleasant Lane.

Staff recommends approval.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre asked are these the final pictures after being painted and remodeled.

Mr. Acevedo stated yes, they added windows, painted the exterior of the building and added a roof. Mr. Acevedo mentioned the interior of the house was in decent shape, the outside was the one neglected and the applicant has done some considerable changes to the outside.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per Staff's recommendation. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:44 p.m.

Ended: 5:45 p.m.

Item #1.7

Conditional Use Permit:

**Texas Citrus Fiesta "Carnival"
Approximately 7.4 acres out of Lot 25-6,
West Addition Sharyland Subdivision &
Lot 1, North Star Plaza Phase I
AO-I & C-3
January 13, 2020 – January 26, 2020
Texas Citrus Fiesta**

Mr. Acevedo went over the write-up stating that the subject site is located near the NW corner of Conway and Griffin Parkway (F.M. 495). Texas Citrus Fiesta organizers have been given permission to have their annual carnival on the vacant lots to the north and west of the old Carl's Supermarket. They wish to set up on the week of 1-12-2020 and have the carnival from 1-18-20 to 1-26-20. They will then take down the carnival on the 26th.

- **Hours of Operation:** Weekdays 5:30p.m. to 10:30p.m. and Weekends 1:00p.m. to 11:30p.m.
- **Parking:** Parking for the event will be provided by utilizing the old Carl's parking lot located to the south. Staff encourages that "No Parking" signs be placed along Conway and F.M. 495 and that there be early morning trash pick-up throughout the entire site during the "Heart of America Shows" Carnival's tenure.
- The Zoning code states that a carnival site should be a minimum of 300' away from any residentially used property from lot line to lot line. This CUP is compliant to this Code, i.e., there are no homes within 300'.

Security will be evident as in past years via Mission PD officers (as hired by TCF) and sufficient restrooms will be available. All provisions of Chapter 10 – Amusements and Entertainment– will need to be complied with, in particular the insurance coverage requirements for such amusements.

Staff recommends approval subject to:

1. Installation of a perimeter fence/debris stop;
2. Installation of "No Parking" signs along Conway and Griffin Parkway; and
3. Meet Noise, Insurance, and any other related Codes.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardisen moved to approve the CUP as per staff's recommendation. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:46 p.m.

Ended: 5:47 p.m.

Item #1.8

**Conditional Use Permit
Renewal:**

**Sale & On-Site Consumption of
Alcoholic Beverages – The Loretto at Mission
1233 E. Griffin Parkway
Lot 1 & the S. 25' of Lot 2, Block 1,
Bel-Aire Heights Subdivision
C-2
LAG Associates, LLC**

Mr. Acevedo went over the write-up stating that this site is located on the NW corner of Orange Dr. and Griffin Parkway. A conditional use permit for a restaurant in a property zoned C-2 was approved by the PNZ on November 2017 for a period of 2 years to be in line with their TABC license.

- **Hours of Operation:** Tuesday – Saturday from 7a.m. to 9p.m., Sunday 9a.m. to 3p.m., Closed Mondays.
- **Staff:** 8
- **Parking:** The restaurant, which also includes a patio, requires 37 parking spaces for both patrons and staff. The applicant has 30 on-site parking spaces for patrons and the remaining 7 parking spaces are on the adjacent property and are used by staff.
- **Landscaping:** Landscaping meets code.

Mr. Acevedo stated that in viewing the location map, there are single family residences located within three-hundred feet (300') to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Staff recommends approval of the CUP subject to:

1. Continued compliance with all Health and Fire Department requirements.

2. Continued compliance with Texas Alcoholics Beverage Commission (TABC) requirements.
3. Waiver of 300' separation requirement to City Council.
4. 4 year re-evaluation.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There being none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the Conditional Use Permit as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m.

Ended: 5:49 p.m.

Item #1.9

Conditional Use Permit

Renewal:

**Sale & On-Site Consumption of Alcoholic
Beverages – Mission Events Center
200 N. Shary Road
Lot 1, Mission Event Center Subdivision
C-3
City of Mission**

Mr. Acevedo went over the write-up stating that this site is located 1200' east of Shary Rd. along the north side of Convention Center Blvd. The existing 50,000 sq. ft. building is being used as a Conference Center to host both corporate and social events. Some of these events will include: business meetings, conferences, trade shows, special performances, wedding, reunions, birthdays, etc.

- **Hours of operation:** The event center will be open on Monday thru Sunday from 6:00 am until 2:00 am or as needed.
- **Parking:** Parking requirements meet code.
- **Landscaping:** Landscaping meets code.

Mr. Acevedo mentioned that in viewing the location map, there are single family residences located within three-hundred feet (300') to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a

temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Staff recommends approval for a period of 4 years.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the Conditional Use Permit as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 6:20 p.m.

Item #2.0

Variance Request:

**Network Cell Nodes in a residential area
1810 N. Inspiration Road
R-1
Jacobs Engineering**

Mr. Acevedo went over the write-up stating that this site is located at Inspiration Road right of way along the east side of Inspiration Road between Barnes and 20th Street.

He mentioned that Jacobs Engineering has contracted by the major cellular carriers to install network cell nodes through the Rio Grande Valley. In late 2019, Staff erroneously issued building permits for three network cell nodes adjacent to residential areas which is a violation of the Design Manual on Cell Nodes that was adopted by the City of Mission in 2017. Section 2, Subsection 4.2, (B), 1 prohibits the placement of Network Cell Nodes adjacent to residential areas.

Residential Areas and Parks. *A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.*

The Design Manual was written to provide protection to the citizens of Mission from having the placement of network cell nodes throughout its residential areas. Since it requires written consent from the City Council to be allowed. Staff has taken the approach of presenting these types of requests through the public hearing process so that residents near the proposed network cell nodes are given the opportunity to provide the City with input. The network cell nodes are intended to improve the network coverage for residents near the proposed located.

Staff recommends approval, but would like the location to be reconsidered closer to the

city park band away from residential homes.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

In opposition Mr. Chris Fuentes who resides at 1804 Inspiration Rd. approached the Board. Mr. Fuentes stated the pole is in front of my yard and I am not in favor for the pole to be outside of my house. The microwave antenna will be sending radiation; it will also change the view of the area with the boxes on the ground. There is also a possibility they can be placed every 500ft so the property value will go down. The damage done to human DNA will be permanent, that's why I believe private phone companies does not have the right to do this in residential area.

In opposition Mrs. Belinda Fuentes who resides at 1804 Inspiration Rd. approached the board. Mrs. Belinda stated every time I go outside of the yards they will get radiation. Company is going against ordinance because they are not allowed to install nodes in a residential area. I feel that my health, neighbors and everyone living around will be in jeopardy.

In opposition Mrs. Maria Gloria de Leon who resides at 1810 Inspiration Rd. approached the board. She stated the company will be placing the nodes in front of her property.

Chairwoman Izaguirre asked did company asked for your permission?

Mrs. De Leon replied "No" I do not like the idea of the nodes been there since it will lower the value of the homes.

In opposition Mrs. Laura Castaneda who resides at 1900 Inspiration Rd. approached the board. Mrs. Castaneda stated I live on the North side where the node will be placed. I am concerned if the node pole gets knocked down will tax payers myself included will have to pay for it.

Chairwoman Izaguirre stated that all her questions were going to be addressed.

Representing the applicant Mrs. Kari Colley the Site Acquisition Manager for Jacob's Engineering stated we received the permits from the City in summer 2019, but when the construction started we were told to stop it, since permits were issue in error. Jacob's Engineering was unaware that the nodes were not allowed in residential area since it's not in the design manual, it only refers to new poles and they will be installed in existing poles.

Chairwoman Izaguirre asked Mrs. Colley to address the citizens concerns about high frequency.

Mrs. Colley stated we are certified by FCC, so we are following federal guidelines and it was studied by many years cellphones will give more radiation than an antenna 40ft in the air.

Chairwoman Izaguirre asked Mrs. Colley if citizens were addressed the nodes were going to be placed on their property?

Mrs. Colley stated there is no requirement from the City of Mission to notify citizens, but we can always do it. There is no ordinance that attaching into an AEP light pole is prohibited adjacent to residential.

Chairwoman Izaguirre asked if there was an existing pole?

Mrs. Colley replied "Yes" all these nodes are attached to existing poles and we have AEP permission. Also, the nodes are not for 5G they are boosters for the existing service since there has been a lot of complaints to AT&T from citizens that they don't have good service in their area. That is due to data traffic, so it will actually be a private investment.

Chairwoman Izaguirre asked Mrs. Colley that why citizens have the idea that these nodes are for 5G, and is there anything you are able to provide to see the real usage.

Mrs. Colley replied sure, that was something that it was not in the applications but I can get a letter from AT&T from their Radio Frequency Engineer.

Mr. Hardisen asked are able to clarify since citizens have the idea they will be every 500ft.

Mrs. Colley stated that it is true that small cells work that way, but AT&T is only going to go that expenditure if it's needed. In a city like Mission it is not necessary a boost every 500ft, in a bigger city like New York it will be required but not in this case.

Chairwoman Izaguirre asked is there anything coming in the near future?

Mrs. Colley replied "No", AT&T is only interest in 8 sites and at the moment this application is currently for only 3 sites.

Mr. Hardisen asked is there something in Mission already?

Mrs. Colley responded "No", but there are some in Brownsville, Harlingen, and San Benito.

Chairwoman Izaguirre asked if there was someone else who had questions so that we were able to get educated in regards the antenna.

Mr. Fuentes asked if the booster was high frequency waves.

Mrs. Colley replied I will not know that exactly.

Mr. Fuentes asked is the booster to make cell phones work better and for faster internet?

Mrs. Colley stated "It is", it's specifically for data coverage not for voice coverage. Right now looks like Cricket and AT&T customers take about 10 minutes to send their texts.

Mr. Fuentes asked what is inside the node and it's hazardous for people?

Mrs. Colley stated that there is insurance with AEP in which they will cover everything in case something happens.

Mrs. Sanchez mentioned I am concerned with what was inside the box on the pole what if it gets hit by a vehicle everything is going to spread in the street in front of my property and it's also projected that it will not be every 500ft but what if it ends up been that they need to be more towers.

Representing the applicant, Mr. Juan Carrillo from construction crew stated that there is no acid, battery or anything like that. In the bottom cabinet there are 3 radius and they send signal to the antenna, no different from any other antenna. The only difference is that we need to cover an area; back then big cell phones signal travel from miles and with the now a day's phones signal needs to travel from closer towers.

Mr. Carrillo also mentioned that if anybody hits the pole and the box brakes there is nothing more than copper wire and a platform inside that sends the signal, there is nothing that will spill on the floor.

Mrs. Sanchez asked the antenna is going to emit radiation?

Mr. Carrillo stated "No", is non annexation radiation, we have it in our household it is not going to affect you.

Mr. Sanchez asked how big is the box?

Mr. Carrillo replied the box is 3ft height by 2ft wide; it's just a brown box that it looks no different than a transformer box from AEP.

Mr. Sanchez asked if in the future are there going to be more boxes installed?

Mr. Carrillo stated "No" that box covers 5 radius and we are just using 3.

Chairwoman stated that it's only a booster. There has been other antennas approved, bigger and taller aluminum antennas close to the expressway, so this is something small that it will not have that big of an impact.

Mr. Carrillo stated the only reason we are putting the antenna on the pole it's because AEP will not let us put it in anything else.

Mrs. Fuentes mentioned if you decide to install the antenna, then why it was said that it was not wanted in residential areas, it makes us as residents think that we are put on risk.

Chairwoman stated some of the ordinances some are very old, so it says that it was suggested not in residential areas, it never says that it cannot or that they were not allowed we care about our citizens and not because it says suggested it does not mean it's going to harm you or your family.

Mr. Hardisen asked Mr. Acevedo if he had any suggestions.

Mr. Acevedo mentioned the design manual does state that the City Council has the right to approve them in residential areas in writing. Discussing this with administration and the Mayor we decided to see it as a public hearing.

Mr. Sanchez asked Mr. Acevedo is there anything they can do it to move them?

Mr. Acevedo stated that it is what I am recommending we want to move it back from the residents, because there are concerns so we want to see if Jacob's and AT&T are willing to work with us and move the location to the proposal site even if you go to Hospitals they have signs that microwaves are harmful in their cafeteria.

Chairwoman Izaguirre mentioned to Mrs. Colley I am interest in a letter explaining what type of radiation is or if it's a booster or whatever it is since citizens are concern and for us to make a decision.

Mr. Acevedo stated that he agreed with her. Mr. Acevedo also stated that he is aware applicants are from out of town and I don't know what are their schedules are.

Mrs. Colley mentioned I will become available and can come back anytime, as far as changing the location we want to collaborate with the City. It costs us a lot of money, so we always want to be in compliance and we want to do what City wants.

Mrs. Colley stated that going back to will it be more nodes, we spent years on this sites and the problem with moving them is that there will not be service to the people that need them or asked for them. These sites took years to be chosen for the collocation and since we received the permits from the City with no notice that we needed anything else, we are just asking for a variance for these particular 3 sites.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to "tabled" the variance request. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:33 p.m.

Item #2.1

Variance Request:

Network Cell Nodes in a residential area

**199 Bouganvilla Street
R-1
Jacobs Engineering**

Mr. Acevedo went over the write-up stating that the proposed site is located at the intersection of Conway and Bouganvilla Street along the east side of Conway on a median along Bouganvilla Street

Jacobs Engineering has contracted by the major cellular carriers to install network cell nodes through the Rio Grande Valley. In late 2019, Staff erroneously issued building permits for three network cell nodes adjacent to residential areas which is a violation of the Design Manual on Cell Nodes that was adopted by the City of Mission in 2017. Section 2, Subsection 4.2, (B), 1 prohibits the placement of Network Cell Nodes adjacent to residential areas.

Residential Areas and Parks. *A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.*

The Design Manual was written to provide protection to the citizens of Mission from having the placement of network cell nodes throughout its residential areas. Since it requires written consent from the City Council to be allowed. Staff has taken the approach of presenting these types of requests through the public hearing process so that residents near the proposed network cell nodes are given the opportunity to provide the City with input. The network cell nodes are intended to improve the network coverage for residents near the proposed located.

Staff recommended denial. Allowing a variance at one residential location would set precedence for future request which goes against the intent of the Design Manual adopted by City Council.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

In opposition Mr. Justin Acevedo who resides at 1713 Dorothy Avenue approached the board. Mr. Acevedo stated I am not in agreement with the nodes either they are 4G or 5G, this is an historical neighborhood that I will like to preserve. I don't want that ugly technology in the main entrance of the neighborhood. The engineer company will be here all day installing the small transmitter in the pole; they will also continue to come in update the transmitter's boxes and that's why we want to stop it.

In opposition Mr. Richard Sanchez who resides at 104 Bouganvilla Street approached the board. There are many health hazards with electromagnetic radiation and wireless technology that affect our bodies. He stated I spoke to the lead AEP man that was

replacing the pole and I asked him if it was for a 5G and he said “No” but it it’s 5G ready and it can be turn on without any further modification.

In opposition Mr. Luis Dovalina who resides at 1812 Miller Avenue approached the board. Mr. Dovalina stated the only I am asking is for it not to be in residential area, they can just move it to the other side of the road.

In opposition Mr. Clark Spikes approached the board. Mr. Spikes stated I have taken care of all the trees and I am concerned with the appearance of the antenna, I know this is an improvement but I recommend if they consider moving the antenna across the street.

In opposition Mrs. Nilani Sanchez who resides at 104 Bouganvilla Street approached the board. Mrs. Sanchez stated I have a preexisting condition. A couple years ago I was diagnosed with seizures they came out of nowhere, I don’t have scar tissue, tumors, no history of drugs no fevers and just this year I was able to taper off the medication since I haven’t have any seizures for a couple of years. I feel that with this tower it would interfere my wellbeing. Sadly I just see that these companies don’t care about our wellbeing and our health and they see it as a pay check. I asked that you take into consideration our health and wellbeing and the way we feel about this.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Arcaute moved to take no “action” for the variance request. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:33 p.m.

Ended: 6:33 p.m.

Item #2.2

Variance Request:

**Network Cell Nodes in a residential area
115 E. Leo Najo Street
R-1
Jacobs Engineering**

Mr. Acevedo went over the write-up stating that the proposed site is along the north side of Leo Najo Street between Conway and Doherty Avenue

Jacobs Engineering has contracted by the major cellular carriers to install network cell nodes through the Rio Grande Valley. In late 2019, Staff erroneously issued building permits for three network cell nodes adjacent to residential areas which is a violation of the Design Manual on Cell Nodes that was adopted by the City of Mission in 2017. Section 2, Subsection 4.2, (B), 1 prohibits the placement of Network Cell Nodes adjacent to residential areas.

Residential Areas and Parks. A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other

multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

The Design Manual was written to provide protection to the citizens of Mission from having the placement of network cell nodes throughout its residential areas. Since it requires written consent from the City Council to be allowed. Staff has taken the approach of presenting these types of requests through the public hearing process so that residents near the proposed network cell nodes are given the opportunity to provide the City with input. The network cell nodes are intended to improve the network coverage for residents near the proposed located.

Staff recommends denial. Allowing a variance at one residential location would set precedence for future request which goes against the intent of the Design Manual adopted by City Council.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to “tabled” the variance request. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

**ITEM #4.0
ADJOURMENT**

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Arcaute moved to adjourn the meeting. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:34 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission