

**PLANNING AND ZONING COMMISSION  
OCTOBER 23, 2019  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Javier Barrera  
Jasen Hardisen  
Hector Moreno  
Diana Izaguirre  
Ruben Arcaute  
Debra Alvarez

**P&Z ABSENT**

Raquenel Austin

**STAFF PRESENT**

Jaime Acevedo  
Susana De Luna  
Jessica Munoz  
Joel Chapa

**GUESTS PRESENT**

Carlos Garza  
Victor Garza  
Luis H. Trevino  
Ricardo Gonzalez  
Joe Cano  
Yolanda Gonzalez  
Lizzy Molina  
Edwin Gomez  
Jose Pedraza

**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 OCTOBER 9, 2019**

Chairwoman asked if there were any corrections to the minutes for October 9, 2019. Mr. Ruben Arcaute moved to approve the minutes as presented. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:31 p.m.**

**Ended: 5:41 p.m.**

**Item #1.1**

**Rezoning:**

**Lot 12, Block 81,  
Mission Original Townsite  
R-1 to R-2  
Roberto Gonzalez**

Mr. Acevedo went over the write-up stating that this site is located at the SW corner of East 5<sup>th</sup> Street and Francisco Avenue

**SURROUNDING ZONES:** N: R-1 Single Family Residential  
E: R-1 Single Family Residential  
W: R-1 Single Family Residential  
S: R-1 Single Family Residential

**EXISTING LAND USES:** N: Vacant  
E: Multi-Family Residential  
W: Residential  
S: Vacant

**FLUM:** The Future Land Use Map reflects a LD designation.

**REVIEW COMMENTS:** This is in an area where we have a mixture of land uses. There is a church, a multi-family complex, vacant lots, and single-family homes all within 300 feet of the subject property. 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-2 would also go against the mass zoning that was done by the PNZ and Council for the Old Townsite area in 2008. An alternative that is available is a Conditional Use Permit for a duplex on property zoned R-1. This is something that was recently allowed in the area which keeps the property R-1 but allows for a duplex to be considered under certain conditions.

**RECOMMENDATION:** Denial of the rezoning request to R-2.

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

Mrs. Yolanda Gonzalez appeared before the board in opposition, she asked how often is an item placed on the agenda.

Mr. Jaime Acevedo stated until there's an action taken in the item. He added once an action is taken and denied they have to wait 6 months to reapply.

Mrs. Yolanda Gonzalez stated she was in opposition to the request mainly the concern is that the landlords don't keep up with their properties and look dirty.

Representing the applicant, Ricardo Gonzalez stated that he was present to address questions the board might have.

Chairwoman Izaguirre asked if staff had worked on the amendment to the zoning code.

Mr. Acevedo mentioned that P&Z may recall that in the previous meeting the consensus from the Board was to amend the zoning code to allow possibly a duplex or triplex on a residential lot with a conditional use permit. He added that this item was presented to the City Council and they approved only a duplex with certain restrictions mainly based

on the density of the lots in that area. Mr. Acevedo stated that since the applicant wanted to build a triplex the best solution would be to apply for a rezoning.

Mr. Javier Barrera asked if we deny could he apply for a duplex.

Mr. Jaime Acevedo replied he can apply for a Conditional Use Permit for a duplex.

There being no further discussion, Chairwoman Izaguirre entertained a motion.

Mrs. Debra Alvarez moved to deny the rezoning as per staff's recommendation. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:41 p.m.**

**Ended: 5:51 p.m.**

**Item #1.2**

**Rezoning:**

**Lot 12, Block 3,  
South Bryan Ridge Subdivision  
R-1 to C-3  
Hector Valenzuela**

Mr. Acevedo went over the write-up stating that this site is located near the NW corner of Bryan Road and E. 1<sup>st</sup> Street. The site measures 55' X 130' which equates to 7,150 sq. ft.

**SURROUNDING ZONES:** N: C-2 – Neighborhood Commercial  
E: C-3 – General Commercial  
W: R-1 – Single Family Residential  
S: C-3 – General Commercial

**EXISTING LAND USES:** N: Residential  
E: Commercial  
W: Residential  
S: Commercial

Site: Residential

**FLUM:** General Commercial (GC)

**REVIEW COMMENTS:** The recently revised Future Land Use Map does reflect a General Commercial (GC) land use. What we have seen along Bryan is that when interior lot does not access minor collector street it seems to work an example is the dentist office at SW corner of Bryan and Sonora. However, for this to work you would need access to Bryan Road and at least 2 or 3 lots deep from Bryan. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or

against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed rezoning.

**RECOMMENDATION:** Since Lot 12 does not have access to Bryan, Staff recommends denial.

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

The applicant, Mr. Hector Valenzuela mentioned there's another lot like this in the area with a C-3 zone, what I'm proposing to do is a bakery or even some office units.

Mr. Jaime Acevedo mentioned when Bryan Rd. was widened, they reduced the front setback and the state took some of their property. He added if anyone would come in and apply, they would get denied because of the depth that is required. Mr. Acevedo stated the most recent ones that we've seen have two or three lots. Mr. Acevedo mentioned if he could bring us a site plan with the proposal showing the access to Bryan.

Chairwoman Izaguirre asked to have a bakery does it have to be zoned C-3 or can it be a C-2.

Mr. Acevedo replied it can work with a C-2, since it's not a restaurant.

Mr. Valenzuela mentioned I prefer a C-3 what if a bakery doesn't work.

Mrs. Debra Alvarez asked so there only proposing one entrance.

Mr. Acevedo replied "yes".

Discussion amongst the board members regarding the surrounding buildings.

Mrs. Chairwoman Izaguirre mentioned we don't want those lots vacant forever.

Mr. Valenzuela mentioned if I can't build a bakery, I can build some offices.

Mrs. Debra Alvarez stated it's not about the bakery it's about the space and parking that's required.

Chairwoman Izaguirre asked can you bring us a site plan.

Mr. Valenzuela stated "yes".

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to table the rezoning. Mrs. Debra Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:51 p.m.**

**Ended: 6:06 p.m.**

**Item #1.3**

**Conditional Use Permit: To Place 4 Portable Buildings for Office Use on property zoned AO-I to be used in conjunction with a Construction with a Materials Storage Yard A 15.07 acre tract situated in Porcion No. 55 And being out of and part of Lot 13-6, West Addition to Sharyland Subdivision AO-I Victor Garza**

Mr. Acevedo went over the write-up stating that this site is located approximately 1 mile south of U.S. Expressway 83 along the west side of Conway Boulevard (S.H. 107). The irregular site measures a total of 11 acres. The applicant is requesting a CUP for the installation of four portable buildings that will be used for office use in an Agriculture Open Interim (AO-I) district. Section 1.361(3)(m) cites that a CUP may be issued on 'other uses which, as determined by the planning and zoning commission, are not contrary to the purposes established for this district'. Back in March 24, 2019, a similar request was approved at the abutting 11-acre property to the north for a similar use. In that case a CUP for 2 portable buildings was approved by the PNZ.

**VARIANCE REQUEST:** The proposed storage yard is in an area where there are no immediate sewer services within a reasonable distance. The applicant is requesting that the use of an individual on-site sewage facility (OSSF). Since this CUP is for a time frame of 24 months, Staff does not object to the use of a septic system at this location. However, if the City does extend sewer services to this area, we would like a condition of approval to be that the applicant tie into those services.

**REVIEW COMMENTS:** If approved, the 4 portable buildings will be used for a maximum of 2 years. An outside contractor will be using this site for a storage yard of building materials. The property owner will clear the area and install caliche to the entire facility. They're also planning on installing a chain link fence throughout the perimeter. Finally, there is also a cement mixing plant that is being proposed via this CUP request. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has received no calls or letters in opposition of this request.

**RECOMMENDATION:** Staff recommends an approval subject to: 1) the installation of a rock pit leading into the facility off Conway, 2) approval of variance request for septic system with condition that they abandon septic system and connect to City sewer services when available, and 3) re-evaluation of this CUP in 1 year to assess this new operation. However, with regards to the cement mixing plant component. Staff recommends against such use on unrecorded property zoned AO-I. Recently, a local

cement company rezoned the property to Light Industrial (I-1). They also were on a recorded plat with all city utilities. While we have approved portable buildings through a CUP, a cement mixing plant has never been considered or approved. It is my opinion that such use would require subdividing and rezoning the property accordingly

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

The applicant, Mr. Victor Garza stated that he understood the concerns brought forward regarding the other ready-mix plant but nothing has been developed in this south area it's been abandoned, wooded, and unsafe. He added that what he is proposing is an investment to the city and is very different to his competitor CAPA. Mr. Garza stated that CAPA sells to the public and we will not have any sells at the site. He stated that this project is only for a levy improvement project, and only supplying them.

Chairwoman Izaguirre asked is this for the Army Corps of Engineers.

Mr. Victor Garza replied "Yes".

Mr. Victor Garza stated this project is only temporary, after the two years are up, I don't know if I'm going to build residential homes, apartments, etc. I think under the premise it is, it's appropriate to leave it under AO-I and request a Conditional Use Permit for the portable buildings and the ready-mix plant facility. These ready-mix plant facilities are governed, permitted and audited by the Texas Commission Environmental Quality and abide by all regulations mandated by the state. This project will bring growth, and jobs to our city which is everything our city needs. The size of this investment will require that the Conditional Use Permit be approved for 24 months, if this project gets delayed for external factors then in 24 months, I will request an extension.

Mr. Hector Barrera asked you only need the Conditional Use Permit for 24 months.

Victor Garza replied "yes" after that's done and water and sewer are available, I'm abandoning the septic, and the wells and connecting to the surfaces.

Mrs. Debra Alvarez asked Mr. Acevedo if request is approved based on staff's recommendations then they would not be allowed the ready mix.

Mr. Jaime Acevedo replied "Yes".

Mr. Carlos Garza stated its not a competition this site is a nonpublic selling business, you will not be able to drive in and order concrete to build a driveway at your house.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Debra Alvarez moved to approve the Conditional Use Permit for 24 months with the cement mixing plant. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:07 p.m.**

**Ended: 6:09 p.m.**

**Item #1.4**

**Conditional Use Permit  
Renewal:**

**Drive-Thru Service Window-  
Delia's Tamales  
602 W. Griffin Parkway,  
Lot 1, West View V Subdivision  
C-3  
Lubin Properties, LLC**

Mr. Acevedo went over the write-up stating that this site is located approximately 800' east of Holland Road along the north side of W. Griffin Parkway (F.M. 495). The applicant is requesting renewal of his CUP for the Drive-Thru Service Window. This CUP was first approved on April 25, 2016 for a period of 3 years. The drive-thru window is located on the west side of the building and traffic follows the long drive-thru lane which wraps around the perimeter of the property and comes alongside the west side of the building. There is an ordering area just before the reaching the building. There are two services windows along the west side of the building which are used to pay and pick up customer orders. The drive-thru lane allows stacking for over 18 vehicles. Exiting would be done by continuing southbound along the western most side of the building and exiting back onto Griffin Parkway.

- **Hours of Operation:** Monday - Saturday from 6 a.m. to 8:30 p.m. and Sunday from 7:00 a.m. to 6:30 p.m.
- **Staff:** 10-15 Employees during different shifts
- **Parking:** The 5,000 sq. ft. building has a total of 86 seating spaces for the restaurant. A total of 29 spaces are required (5,000 sq. ft./75sq.ft.= 66 parking spaces). It is noted that they have a total of 83 parking spaces within the commercial development which exceeds code by 17.
- Landscaping has been provided as a part of the overall commercial development.
- Must comply with all Building, Fire, and Health Codes.

**REVIEW COMMENTS:** Staff has not received any complaints in regards to this drive-thru service window.

**RECOMMENDATION:** Staff recommends approval for life of use and not transferable to others.

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

Mr. Luis Trevino was present to answer any questions the board might have.

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

**Started: 6:09 p.m.**

**Ended: 6:14 p.m.**

**Item #1.5**

**Conditional Use Permit  
Renewal:**

**Sale & On-Site Consumption of  
Alcoholic Beverages – Villa Del Mar Restaurant #1  
207 E. Interstate Highway 2  
Lot 3, El Pueblo Ph. II Subdivision  
C-3  
VIGA Restaurant Inc.**

Mr. Acevedo went over the write-up stating that this site is located within a plaza approximately 600' east of Conway Ave. along the north side of the Frontage Road of Expressway 83. The applicant is requesting renewal of his CUP for the Sale & On-Site Consumption of Alcoholic Beverages. This CUP was last approved by the P&Z on April 10, 2019. Villa Del Mar has been operating at this location for over 12 years and has been selling alcohol since October 2010.

- **Sale of Alcohol (Section 1.56-3):** The Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There are residences within 300' (see aerial) however; P&Z and the Council waived this separation requirement in the CUP's previous approvals. In speaking to Mission PD regarding any incidents due to the sale and on-site consumption of alcohol. They mentioned that there were no incidents to report.
- **Hours of operation:** Monday through Sunday from 11a.m. to 9 p.m.
- **Parking:** In viewing the floor plan, there are 194 total seating spaces for the restaurant, which require 65 parking spaces (194 total seating spaces/3 = 65 parking spaces). It is noted that the parking area is held in common (225 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to existing, interlocking parking lots-see aerial.
- There is a small stage area for 'light' music from a single guitar player or a piano, **no DJs or Bands utilize the stage.**

**REVIEW COMMENTS:** The restaurant has been selling alcohol at this location since January, 2010 with no reported incidents in relation to the sale of alcohol. Staff does not object to allowing the sale of alcohol at this location.

**RECOMMENDATION:** Staff recommends approval of the CUP subject to: 1) Waiver of 300' separation requirement from residential neighborhoods, and 2) CUP to be valid for a period of 2 years at which time the applicant will have to renew their TABC license and Conditional Use Permit.

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

Their being 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. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously

**Started: 6:14 p.m.**

**Ended: 6:15 p.m.**

**Item #1.6**

**Conditional Use Permit  
Renewal:**

**Sale & On-Site Consumption of  
Alcoholic Beverages – Pizza Hut #33904  
311 E. Interstate Highway 2  
Lot 6-E, El Pueblo Subdivision Ph. I  
C-3  
MUY Pizza Tejas, LLC**

Mr. Acevedo went over the write-up stating that this site is located along the north side of U.S. Expressway 83 between Mayberry and Conway. This restaurant has been in existence at this location since 1989. The applicant is requesting renewal of his CUP for the Sale & On-Site Consumption of Alcoholic Beverages. This CUP was initially approved on September 25, 2017 for a period of 2 years. In talking to the applicant, he stated that they are a restaurant that only offers beer, **there will be no liquor or mixed drinks served.**

- **Hours of Operation:** Sunday – Thursday from 11a.m. to 12 a.m. and Friday – Saturday from 11 a.m. to 1 a.m.
- **Staff:** 19 employees
- **Parking & Landscaping:** are existing and meet code for this existing establishment.

**REVIEW COMMENTS:** Since this operation has been in existence for over 28 years now with without any concerns, since property has had this similar use for several years and seemed to work well, and since the sale of alcohol does not seem to be the primary intent, staff does not object to this proposal.

**RECOMMENDATION:** Staff recommends approval subject to a waiver of the 300's separation requirement from the residential neighborhood and that the CUP be approved for 2 years at which time the applicant will have to renew their TABC license and Conditional Use Permit.

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

Their being 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. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously

**Started: 6:15 p.m.**

**Ended: 6:18 p.m.**

**Item #2.0**

**Single Lot Variance:**

**The Southwest 1.0 acre out of  
Lot 20, Linda Vista Subdivision  
Rural ETJ  
Edwin Gomez**

Mr. Acevedo went over the write-up stating that this site is located 2000 feet north of Mile 5 on the East side of Bentsen Palm Drive. The 1-acre lot measure 160' feet to Bentsen Palm Drive with 272.25' feet of lot depth. The purpose of this Single Lot Variance (SLV) is to comply with the subdivision ordinance so that a permit can be issued for the construction of a new single-family residence. The City Code allows for a Single Lot Variance when the property meets the following criteria: It is a single tract and not a series of proposed tracts, it has access to a paved public street, it does not require any new streets to be dedicated and/or improved, it does not require extension of municipal utilities, it is within the corporate limits or extraterritorial jurisdiction of the city. The subject property complies with all of these requirements.

**WATER & SEWER:** The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 6" line located along Bentsen Palm Drive to provide water service to the lot. With regards to sewer, the developer is proposing the use of an existing On-Site Sewage Facility (Septic Tank) to provide service to the lot. Since this will be a residential development, fire hydrants are not required. As required with all new subdivisions, a Capital Sewer Recovery will be assessed at a rate of \$200 per lot as per City Ordinance.

**STREETS & DRAINAGE:** With regards to streets, this property has access to Bentsen Palm Drive, a future 80' ROW /57' B-B paved street. The MPO Thoroughfare Plan requires a minimum of 40' ROW from the centerline of the street. An additional 5' of ROW is required in order to meet MPO requirements. The street widening for Bentsen Palm is not a requirement at time. With regards to storm drainage, this will be done to Hidalgo County requirements.

**OTHER COMMENTS:**

- If not already, the property must be excluded from the United Irrigation District.

**RECOMMENDATION**

Staff does not object to the single lot variance subject to:

1. Dedication of 5' additional ROW along Bentsen Palm Drive.
2. Payment of capital sewer recovery fee.
3. Provide proof of exclusion from the water district.
4. Comply with Hidalgo County standards for any building permit and drainage requirements.

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

Their being none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the Single Lot Variance as per staff's recommendation. 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 items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mr. Debra Alvarez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:18 p.m.

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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission