

**PLANNING AND ZONING COMMISSION
OCTOBER 9, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Javier Barrera
Jasen Hardisen
Hector Moreno
Raqueneel Austin

P&Z ABSENT

Diana Izaguirre
Ruben Arcaute
Debra Alvarez

STAFF PRESENT

Jaime Acevedo
Susana De Luna
Jessica Munoz
Joel Chapa
JP Terrazas

GUESTS PRESENT

Carlos Garza
Isabel Moreno
Joana Gonzalez
Javier Flores
Jaime Sanchez
Maria Garza

CALL TO ORDER

Vice Chairman Javier Barrera called the meeting to order at 5:32 p.m.

CITIZENS PARTICIPATION

Vice Chairman Javier Barrera asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR SEPTEMBER 25, 2019

Vice Chairman asked if there were any corrections to the minutes for September 25, 2019. Mr. Jasen Hardison moved to approve the minutes as presented. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:34 p.m.

Item #1.1

Discussion and Action to Amend the Future Land Use Map

Mr. Jaime Acevedo stated that the future land use map was amended based on the workshops held by the City Council and Planning and Zoning Commission.

Vice Chairman Barrera asked if there was any input in favor or against this item.

There being none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mrs. Raqueneel Austin moved to approve to Amend the Future Land Use Map as per staff's

recommendation. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:50 p.m.

Item #1.2

Discussion and Action to Amend R-1 Single Family Residential Zoning District

Mr. Jaime Acevedo stated in the previous meeting we were dealing with a property in the Mission Original Townsite, one of the things that was brought up was to consider a duplex or triplex on a (R-1) Single Family Residential District. In some cases, we are dealing with vacant lots in between two apartment complexes. Its highly unlikely that someone is going to build a single-family home in those lots. Ten years ago, the city council decided to change the zoning in the Mission Original Townsite area from (R-2) Duplex-Fourplex Residential to (R-1) Single Family Residential. If we allow 1, 2, 3, that something we can discuss and come up with a recommendation. It would allow people to invest in the area rather than having a vacant lot. One of the arguments that we can have is the density. My recommendation is just a Duplex, the we need to present it to City Council would be a Duplex or Triplex and have them decide. The conditions I'm making for the Conditional Use Permit, must be a corner lot, adjacent to an existing duplex, triplex, fourplex, and the vacant lot cannot be between two single family residential homes.

Vice-Chairman Barrera suggested that staff should also consider square footage of the lot.

Discussion amongst the Board members continued regarding whether they allowed a duplex or triplex based on the square footage of the lot.

Mrs. Raquenel Austin stated that staff should mention that they would not be allowed to buy a single-family home and demolish to built apartments.

Mr. Acevedo stated that staff could definitely consider all the suggestions he just needed a guideline to start with. He said that they could start with these guidelines and If in the future it needed to be amended it would.

Mr. Carlos Garza stated that he liked that idea because his parents own a home in the downtown area and would like to build some apartments that would help them get some extra income.

Mrs. Isabel Cristina Moreno stated that she was not against the construction of the apartments she just would like for the property owners or renters to be held accountable for keeping them clean. She added that most of the residents in that area were retired teachers and just wanted to enjoy their retirement not having to worry about loud music and trash.

Mrs. Joanna Gonzalez stated that she was against the apartments. She feels that the downtown area does not anymore apartments.

Mr. Javier Flores stated that he was an investor and had several properties in the downtown area and would like the opportunity to be able to build some apartments verses a single-family home.

Vice-Chairman Barrera stated that he has seen the difference between the apartments and the single-family homes and does understands what they mean about keeping the property owner accountable for maintaining the apartments clean.

Mr. Hardison stated that he suggests that each case be considered separately to avoid being unfair to the property owner.

There being no further discussion, Vice-Chairman Barrera entertained a motion. Mr. Jasen Hardisen moved to approve the amendment as per staff's recommendation including that it be considered on a case by case basis. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m.

Ended: 6:04 p.m.

Item #1.3

Rezoning:

**Lot 1, Big Lake Subdivision
AO-P to I-1
Magic Valley Concrete, LLC**

Mr. Acevedo went over the write-up stating that this site is located near the SE corner of Conway Boulevard and U.S. Expressway 83.

SURROUNDING ZONES: N: I-1 – Light Industrial
E: I-1 – Light Industrial
W: I-1 – Light Industrial &
S: R-1 – Single Family Residential &
C-3 – General Commercial

EXISTING LAND USES: N: Commercial
E: Commercial
W: Commercial
S: Commercial & Residential
Site: Vacant

FLUM: Heavy Commercial (HC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Heavy Commercial (HC) land use which is directly consistent with the proposal. This site was once a dry lake bed. Back when the expressway over

pass was constructed in the 80's, land was removed from this site for the construction of the overpass. Because it was a low spot, it was given the designation of AO-P which is not intended to be developed. Over the past several years, the property owner has filled in the once low spot and is not at a natural usable elevation. Staff does not object to the rezoning subject to having a current elevation certificate. 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 this proposal.

RECOMMENDATION:

Approval subject to a current elevation certificate from a licensed engineer.

Vice-Chairman Barrera asked if there was any input in favor or against the request.

Representing the applicant, Mr. Jaime Sanchez stated that he was present to address any questions from the Board. He mentioned that Art Salinas from Salinas Engineering was already working on the elevation certificate for them.

Mrs. Irene Garza who resides at 308 Melba Carter stated that she wanted to address her concerns which included: the dust blowing to the residential properties, chemicals that were apparently dumped prior to the construction of the calichera, and wanted to know what was being proposed for this site.

Mr. Acevedo stated that there were no records of any chemicals being dumped at the site.

Mr. Sanchez stated that CAPA has been in business for more than 50 years and would take care of any concerns that would be addressed.

Mrs. Maria Garza stated that her concerns were in regards to the traffic that would be generated, devaluation of the newly constructed homes, harmful chemicals that were dumped in that area, as well as the other concerns addressed by her sister earlier.

Mr. Acevedo stated that this area was about 400' away from the residential area and it would be monitored by TCQ. He added that they would be required to built a fence to divide the residential from the industrial area. He added that the only think that could be considered right now would be the rezoning of the property.

There being no further discussion, Vice-Chairman Barrera entertained a motion.

Mr. Jason Hardison moved to approve the rezoning as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:04 p.m.

Ended: 6:14 p.m.

Item #1.4

Rezoning:

**A 0.33 acres of land out of a 9.53 acre tract
out of the West 13.335 acre of the South 19.55
acres of Lot 29-8, West Addition to Sharyland
Subdivision
R-1 to R-1T
Juan Reyes**

Mr. Acevedo went over the write-up stating that this site is located near the NW corner of 2 Mile Road and Mayberry along the north side of Mayberry

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: AO-I – Agricultural Open Interim
W: R-1 – Single Family Residential
S: P – Public

EXISTING LAND USES: N: Residential
E: Vacant
W: Residential
S: Institutional (Veterans Memorial High School)
Site: Vacant

FLUM: Low Density (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density (LD) land use. Although the FLUM shows a Low Density (LD) designation, staff notes the proposal will not significantly increase density to this area. The proposal is to divide into 3 individual residential lots thus not detrimental to the surrounding neighbors. 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 this proposal.

RECOMMENDATION:

Approval.

Vice-Chairman Barrera asked if there was any input in favor or against the request.

Vice-Chairman Barrera asked what are the purposed easements on these 3 lots.

Mr. Jaime Acevedo stated the typical easement for a Townhome Residential lot being an interior lot would be 20'.

Vice-Chairman Barrera asked will the cars be backing out onto 2-mile line.

Mr. Jaime Acevedo stated we will be implementing that they have shared driveways, so that there aren't too many open cuts onto 2 Mile Road. I will be implemented during the permitting process.

Mr. Jasen Hardisen stated will they require a buffer.

Mr. Jaime Acevedo stated any time you build next to a single-family residential home, a solid 6' wall to the neighbors are required to the north and west side.

Mrs. Raquene Austin asked where is the access to that property.

Mr. Jaime Acevedo stated there's an existing driveway that used to lead to a mobile home about ten years ago, being that it's a TXDOT road they require permits for any future driveways and limits them to how many access points they have.

Mr. Jaime Acevedo stated we want all traffic to exit onto 2-mile not to back up onto 2 Mile Road.

Vice-Chairman Barrera asked how many feet do they have.

Mr. Jaime Acevedo stated 60' and about 100' in lot depth.

Mrs. Raquene Austin stated if three structures are being build, we're looking at 2 cars per townhome.

Mr. Jaime Acevedo stated we've been seeing townhomes with one car garage and one car parked outside.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Jasen Hardisen moved to deny the rezoning. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:14 p.m.

Ended: 6:16 p.m.

Item #1.5

Rezoning:

**A 0.58 of one acre tract of land out of Lot 25-9,
West Addition to Sharyland Subdivision
AO-I to C-2
Robert Goodwin**

Mr. Acevedo went over the write-up stating that this site is 1/4 mile west of Bryan Road along the northern side of Griffin Parkway (F.M. 495)

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: C-1 – Office Building
W: AO-I – Agricultural Open Interim

S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: Commercial
W: Residential
S: Vacant
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects an outdated land use designation of Low Density Residential (LD). The proposed revisions to the Future Land Use map reflect this area as a commercial area. It seems that the C-2 proposal is an expected transition zone with frontage to a 5-lane major street and major arterial intersection. On October 8, 2018, a similar request was approved for C-2 by the City Council at the NW corner of Bryan and Griffin Parkway. As of the time of this writing there have been no calls in opposition or against this request.

RECOMMENDATION:
Approval

Vice-Chairman Barrera asked if there was any input in favor or against the request.

There being no discussion, Vice Chairman Barrera entertained a motion. Mrs. Raquene Austin moved to approve the rezoning as per staff's recommendation. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:16 p.m.

Ended: 6:18 p.m.

Item #1.6

**Conditional Use Permit: Sale and On-Site Consumption of
Alcoholic Beverages – La Curva Taqueria
2575 E. Griffin Parkway, Suite 12
Lot 1, Tres Picos Phase I Subdivision
C-3
Jose Uresti**

Mr. Acevedo went over the write-up stating that this site is located approximately 700' west of Taylor Road on the north side of E. Griffin Parkway (F.M. 495). The taqueria has been in existing since opening in January 2016 and previously a Conditional Use Permit was granted for life of use for the use of a drive thru window. The owner has increased the size of the restaurant by adding an additional 1,400 sq. ft. and would like to include the sale of beer to his menu.

- **Hours of Operation:** Monday - Sunday from 11 a.m. to 1 a.m.
- **Staff:** 12 Employees

- **Parking:** The 2,550 sq. ft. building has a total of 70 seating spaces for the restaurant. A total of 19 parking spaces are required for this site (2,550 sq. ft./75sq.ft.=34 parking spaces). It is noted that a total of 150 parking spaces are held in common within the commercial development.
- Landscaping has been provided as a part of the overall commercial plaza.
- **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).
- Must continue to comply with Fire and Health Codes.

REVIEW COMMENTS: There are no churches or schools within 300' of this restaurant, nor have there been any comments in favor or against this request forwarded to the Planning Department during the CUP's tenure.

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.

Vice-Chairman Barrera asked if there was any input in favor or against the request.

Mr. Jose Uresti was present to address any questions from the Board.

Their being none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Jasen Hardisen 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: 6:18 p.m.

Ended: 6:21 p.m.

Item #1.6

Conditional Use Permit

Renewal:

**Sale and On-Site Consumption of
Alcoholic Beverages – The Griffin Grill**

1906 E. Griffin Parkway

Lot 19, River Oaks Plaza

C-3

Ram Culinary Group, LLC (c/o) Richard L. Krauss)

Mr. Acevedo went over the write-up stating that this site is located 1000' west of Glasscock Road on the south side of E. Griffin Parkway. The applicant is requesting renewal of his CUP for the Sale and On-Site Consumption of Alcoholic Beverages for wine and beer. This CUP was initially approved on August 14, 2017 and there is a bar component at the restaurant.

- **Hours of Operation:** Monday - Saturday from 7 a.m. to 3 p.m., Sunday 9 a.m. to 2 p.m.
- **Staff:** 6 Employees
- **Parking:** The 1,860 sq. ft. building has a total of 44 seating spaces for the restaurant. A total of 25 spaces are required for this site (1,860 sq. ft./75sq.ft.= 24.8 parking spaces). It is noted that a total of 348 parking spaces are held in common within the commercial development.
- Landscaping has been provided as a part of the overall commercial plaza.
- Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. This site located about 150' from River Oaks Estates.
- Must continue to comply with Fire and Health Codes.

REVIEW COMMENTS: There are no churches or schools within 300' of this restaurant, nor have there been any comments in favor or against this request forwarded to the Planning Department. It is also noted that there have not been any reported PD issues during the CUP's existing tenure.

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.

Vice-Chairman Barrera asked if there was any input in favor or against the request.

Their being none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mrs. Raquene Austin 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: 5:52 p.m.

Item #2.0

**PRELIMINARY & FINAL
PLAT APPROVAL:**

Glasscock Hills Subdivision

Being a 19.74-acre tract of land, comprised of the South 1/2 of Lot 262, John H. Shary Subdivision, and 1.10 acre out of a certain second tract lying adjacent to Lot 262, Being 3.75 acre R-1

Developer: MJVM LTD. (Miguel Brito)

Engineer: AEC Engineering, LLC

REVIEW DATA

PLAT DATA: The proposed subdivision is located approximately ¼ north of Griffin Parkway (F.M. 495) along the west side of Glasscock Road. The developer is proposing 91 Single Family Residential lots.

VARIANCE: The developer is requesting a variance of the sewer capital recovery fees due to the dedication of land that is being given up to the City for the expansion of the City of Mission Drainage ditch located along the west side of the property. The sewer capital fees total \$18,200.

WATER: With regards to water, the developer is proposing to tap to an existing 8" water lines along Glasscock Road. The looped water system will have two connections will be made one at the north end of the subdivision and on at the south end of the subdivision. Fire hydrants are shown pursuant to the direction of the Fire Marshal.

SEWER: In regards to sewer, the developer is proposing to extend an 8" sewer line coming in from Glasscock and extending West to a manhole from Taurus Estates No. 8. All interior lots will have 8" sewer lines extending and taping into this 8" line coming in from Glasscock and extending to Taurus #8. The Capital Sewer Recovery Fee 91 residential lots X \$200.00/Lot= \$18,200.

STREETS & STORM DRAINAGE: The subdivision has frontage to Glasscock Road which calls for 80' of ROW. An additional 20' of ROW will be dedicated along Glasscock and the developer is proposing to widen his section of frontage along Glasscock. Interior streets will be 50' ROW, 37 B-B Streets. As for the storm drainage, the developer is proposing storm sewer infrastructure consisting of valley gutters, curb and/or, grated inlets and RCP pipe. Discharge will be into an un-named City of Mission Drainage ditch located on the west side of the property. As per City, on-site detention will not be required as the Ditch capacity will be expanded to accommodate the necessary detention.

RECOMMENDATION

Staff recommends denial of the variance request as it would set precedence and approval of the subdivision plat subject to:

1. Must pay capital sewer recovery fees at \$200 per lot = 91 x \$200 = \$18,200.
2. Dedication of water rights.
3. Park Fees at \$500 per lot = 91 x \$500 = \$45,500.
4. Must provide a street light plan for review by Staff.
5. 5' sidewalks along Glasscock Road.
6. Compliance with the Model Subdivision Rules.

Mr. Acevedo stated that this subdivision had already been approved by the P&Z Board the only changed done to the plat was that now it includes 8 additional lots. He added that the applicant had requested several variances which included the capital sewer recovery fees and the park fees in lieu of the land that was taken away from the property.

Representing the applicant, Mr. Carlos Garza stated we were able to secure some land on the south side, in discussion with the ditch in the back side we are doing a teared excavation because we don't need to excavate the full ditch in the back for our detention. So, we proposed to the city to help with detention capabilities on the ditch. Why don't we excavate the ditch and in return give us credit for the recovery fees? If you feel this is not justifiable trade, then we would just excavate only what we need. The city at a later time would come in and widen the ditch spending more than \$18,000 that we are asking for. My initial point is the value of the land, the city/ditch is actually encroaching and no one has offered my client a refund for his land.

Vice Chairman Javier Barrera asked how wide is the ditch?

Mr. Carlos Garza stated total ROW is 200', we are dedicating 100' of it and 42' would be for the expansion.

Mr. Hector Moreno asked how much more do you need for your capacity for your subdivision.

Mr. Carlos Garza stated I don't have the construction plans but I gave it to staff today.

Mr. JP Terrazas stated that he would recommend that the developer to excavate only what the drainage report calls for. The City of Mission has plans to excavate this ditch and plans to use the dirt. So, we recommend to excavate only what they need.

Mr. Jaime Sanchez stated based on the past flooding the more capacity we have on our existing drainage systems the better.

Mr. Carlos Garza asked when do you plan on excavating

Mr. JP Terrazas replied we plan to excavate even more in the near future.

There being no further discussion, Vice-Chairman Barrera entertained a motion. Mr. Jasen Hardisen moved to approve the Pre-Final Plat and deny the variance request as it would set precedence as per staff's recommendation. Mrs. Raqueneel Austin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Jasen Hardisen moved to adjourn the meeting. Mr. Hector Moreno seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:30 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission