

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

P&Z PRESENT

Javier Barrera
Jasen Hardisen
Diana Izaguirre
Ruben Arcaute
Debra Alvarez

P&Z ABSENT

Raquenel Austin
Hector Moreno

STAFF PRESENT

Jaime Acevedo
Susana De Luna
Jessica Munoz
Joel Chapa

GUESTS PRESENT

Eleazar Chavero
Felipe Cavazos
Sebastian Martinez
Daniel Sanchez
Alex Espinosa
Manuel Saberon
Eva Valencia
Luis Valencia
Karime Valencia
Hector Guerra
Maria Vega
Roman Avalos
Yolanda Hernandez

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 23, 2019

Chairwoman asked if there were any corrections to the minutes for October 9, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mr. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:30 p.m.

Ended: 5:34 p.m.

Item #1.1

Discussion and Action on Proposed Zoning Ordinance Amendment to Delete Section 1.36(3)(N) from the AO-I (Interim Agricultural Use District), and Section 1.361(3)(M) from the AO-P (Permanent Open Space District)

Section 1.36. - AO-I interim agricultural use district.

1. [*Purpose:*] The interim agricultural use district is designed to promote orderly, timely, economical growth and to recognize current land use conditions. It is a reserved

area in which the future growth of the city might occur. It is the intent of this district that agricultural land be held in that use for as long as is practical and reasonable. This zoning is suitable for areas where development is premature because of the lack of utilities, capacity, or service, or where the ultimate land use has not been determined.

2. *Permitted uses:*

- a. Farming, ranching, related activities, and accessory uses including the owner's single-family dwelling plus any housing for employees working on the premises.
- b. See chapter 86, signs.
- c. City facilities.
- d. Churches and related amenities.

3. **Conditional uses (require use permits, see article X):**

- a. Single-family dwelling and accessory uses.
- b. A mobile home on an unsubdivided tract of five acres or more.
- c. Home occupations.
- d. Broadcast towers for radio, television, or microwave.
- e. Outdoor commercial recreation, excluding drive-in theaters.
- f. Extraction activities.
- g. Landing strips.
- h. Facilities for the raising of animals including but not limited to, dog kennels and catteries, in accordance with all applicable City of Mission ordinances.
- i. Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, or tents or other temporary structures used for temporary purposes.
- j. Facilities for railroads or those utilities holding a franchise under the City of Mission.
- k. Nurseries for the raising of plants.
- l. Reserved.
- m. Household goods warehousing or storage in individually rented/leased storage units.
- ~~n. Other uses which, as determined by the planning and zoning commission, are not contrary to the purposes established for this district.~~
- o. Cemeteries.
- p. Fruit, vegetable, etc. sales which are grown on the premises. Section 1.48 must be met.
- q. Telephone, radio, television and/or other communication towers.

Section 1.361. - AO-P permanent open space district.

1. *Purpose:* The permanent open space district is to be used for the following purposes:
 - a. To protect those areas that are unsuitable for development because of physical problems or potential health or safety hazards such as flooding. The usage of the land would be permanently restricted to low intensity agricultural uses until such time as the property is proven to be suitable for development and is rezoned.
 - b. To provide a permanent greenbelt or open space buffer around uses that might otherwise be objectionable or pose environmental or health hazards.
 - c. To protect and preserve natural habitats of wildlife and/or plant life that are deemed critical by the planning and zoning commission.
2. *Permitted uses:*
 - a. Farming, ranching, related activities, and accessory uses including the owner's single-family dwelling plus any housing for employees working on the premises.
 - b. See chapter 86, signs.
 - c. City facilities.
 - d. Churches and related amenities.
3. **Conditional uses (require use permits, see article X):**
 - a. Single-family dwelling and accessory uses.
 - b. A mobile home on an unsubdivided tract of five acres or more.
 - c. Home occupations.
 - d. Broadcast towers for radio, television, or microwave.
 - e. Outdoor commercial recreation, excluding drive-in theaters.
 - f. Extraction activities.
 - g. Landing strips.
 - h. Facilities for the raising of animals including, but not limited to, dog kennels and catteries, in accordance with all applicable City of Mission ordinances.
 - i. Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, or tents or other temporary structures used for temporary purposes.
 - j. Facilities for railroads or those utilities holding a franchise under the City of Mission.
 - k. Nurseries for the raising of plants.
 - l. Reserved.
 - ~~m. Other uses which, as determined by the planning and zoning commission, are not contrary to the purposes established for this district.~~

- n. Fruit, vegetable, etc. sales which are grown on the premises. Section 1.48 must be met

Chairwoman Izaguirre asked completely delete it?

Mr. Jaime Acevedo stated “yes” the agricultural use should only be for farming, nurseries, and activities related to the agricultural business. Mr. Jaime Acevedo mentioned recently people have been using this to do other things.

Mr. Javier Barrera asked do you have any examples?

Mr. Jaime Acevedo mentioned the most recent one was at our previous P&Z meeting for a cement mixing plant.

Chairwoman Izaguirre asked it was only for a Conditional Use Permit correct?

Mr. Jaime Acevedo replied “yes”.

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

Started: 5:34 p.m.

Ended: 5:38 p.m.

Item #1.2

Rezoning:

An 18.730 (Deed: 18.720) acre tract of land out of Lot 20-4, West Addition to Sharyland Subdivision, save and except the North 100’ of the West 849.40’ and further save and except 2.0 acres conveyed to Mission Shippers, Inc. R-1 & C-2 to R-2

Mr. Acevedo went over the write-up stating that this site is located on the SW corner of Holland and Business Highway 83. The irregular site has access to Holland, Perez Street, and Walsh Street.

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

EXISTING LAND USES: N: Commercial & Institutional
 E: Vacant Industrial
 W: Vacant Single Family Residential
 S: Vacant

Site: Vacant

FLUM: Moderate Density Residential (MD)

REVIEW COMMENTS: Though the FLUM shows an MD designation for this site, thus R-2 is directly consistent with the Future Land Use Map. Staff believes that the highest and best use is of the multi-family nature due to the following:

- 1) The subject property does not have direct frontage to Business Highway 83. Railroad ROW abuts the property to the north.
- 2) The subject property adjoins Holland Ave. a collector street (mandates a minimum 80' ROW with an ultimate pavement width of 57').
- 3) With the site being directly between I-1 (Light Industrial) zoned properties and just south of a C-3 zoned property, allowing this portion of the overall acreage to be zoned duplex-fourplex residential would seem to work well with the existing zonings.
- 4) Duplex-Fourplex Residential is lower density and perhaps a better neighbor to the residential subdivision south than an R-3 or higher density zoning.

RECOMMENDATION: Approval

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

Mrs. Aurora Vega addressed the board not against the rezoning, as long as they widen Perez Street.

Mr. Jaime Acevedo mentioned Perez Street is not fully paved it's a half street, that's something that's going to be considered during the subdivision process.

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

Started: 5:38 p.m.

Ended: 5:40 p.m.

Item #1.3

**Conditional Use Permit: To Place a Mobile Home on a Property
Zoned (R-4) Mobile Home & Modular District
2103 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 2, R/S Lot 31, King Mobile Park)
R-4
Yolanda Hernandez**

Mr. Acevedo went over the write-up stating that this site is 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.

HISTORY: 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.

RECOMMENDATION: Staff recommends to table this item so the applicant has time to fix the home to be reconsidered or deny request.

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 "table" the Conditional Use Permit. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:42 p.m.

Item #1.4

Conditional Use Permit:

**To Place a Portable Building –
Auto Sales Office Use
2118 W. Mile 3 Road
Being the South 3.86 acres of Lot 22,
New Caledonia Subdivision
C-3
Eleazar Chavero**

Mr. Acevedo went over the write-up stating that this site is located near the NE corner of Moorefield Road and West Mile 3 Road. The almost 4-acre commercial track dimensions of the lot are 321.5' x 367.2 or 118,047.6 sq. ft. The property was annexed by the City in 2014 and has operated as an auto mechanic shop and used car lot since the early 90's. Most recently a CUP was issued at this location in May of 2019. A new

operator will now use the car lot. An existing 24' x 16' building on block piers is being proposed to be used as an office for the sale of used autos.

- **Hours of Operation:** Monday – Friday 8 a.m. to 6 p.m. and Saturday from 10:00 a.m. to 2:00 p.m.
- **Staff:** 1
- **Parking:** There are 4 parking spaces for customer parking.
- **Landscaping & Lighting:** The used car lot has some landscaping along the frontage to Mile 3 Road.

REVIEW COMMENTS: With regards to this site, it appears that the portable building was constructed onsite. This property is also commercially zoned. Staff does not foresee any problems with the office and business proposal.

RECOMMENDATION: Staff recommends approval subject to: 1) a one-year re-evaluation and issuance of a business license.

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

Started: 5:42 p.m.

Ended: 5:45 p.m.

Item #1.5

Conditional Use Permit

Drive-Thru Service Window

2306 East Expressway 83, Suite 11

Being Lot 1, Cimarron Crossing Ph. 1

C-3

Rebecca Serena

Mr. Acevedo went over the write-up stating that this site is located at the SW corner of Expressway 83 Frontage Road and Cecilia Lane along the west side of Cecilia Lane. There is a commercial plaza currently thereon and the owner would like to offer one of the corner suites with the use of a drive thru service window. Kato Sushi recently moved out and Mrs. Serena, owner/developer, would like to incorporate a drive-thru window on Suite 11 before leasing it out. The drive-thru would be similar to the one constructed on the opposite or west side of the commercial building for Antojitos Mexicanos. If approved, the commercial suite would likely be leased out to a restaurant. Access to the site is being proposed is from a 10' driveway from Cecilia Lane—**see attached site plan**. At this point, the owner is just seeking a pre-approval so that she could build the drive-thru window. Once the building is leased, the tenant will have to come in and apply for Conditional Use Permit on their behalf.

- **Hours of Operation:** To be determined
- **Staff:** To be determined
- **Parking:** Parking is held in common at this location and exceeds code.
- **Landscaping:** Landscaping is existing and is in compliance with code.

REVIEW COMMENTS:

The drive-thru service window will allow for 5 vehicles to be easily stacked. The design will mirror the one along the west side of the building with the exception of the traffic flow. There have been no reported issues with the existing drive-thru window in use by Anojitos Mexicanos in the same plaza. There have been no opposition voiced against the proposed 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 but would still require that the future operating business apply for their own approval since CUP's are not transferable.

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: 5:45 p.m.

Ended: 5:50 p.m.

Item #1.6

Conditional Use Permit:

**To Place a Mobile Food Truck –
El Sancho BBQ**

1625 N. Conway Avenue

**The north ½ of lot 13 & all of Lot 14, Block 258,
Mission Original Townsite Subdivision**

C-3

Daniel Sanchez

Mr. Acevedo went over the write-up stating that this site is located on the 400' north of Kika De La Garza Loop along the west side of Conway Avenue. The primary business is Jitterz Coffee Bar. The applicant wishes to place a mobile food trailer for the sale of tacos on the west side of the property. Access to the site is from Conway or Kika Loop.

- **Hours of operation:** Monday through Friday from 7:00 a.m. to 10:00 p.m.
- **Staff:** Only the applicant will be running the stand.
- **Parking:** The coffee shop has a large paved area directly west of the building. In addition, there is additional parking in the front of the coffee shop through Conway.

- **Landscaping:** There are some green areas south side and west side of Jitterz.
- Must comply with all City codes including Health and Fire Department requirements.
- A new business license is required prior to occupancy

REVIEW COMMENTS: We have approved several mobile food parks in the past 18 months. However, to date none have been constructed. Those prior approvals will need to come back to P&Z and Council since more than 12 months has elapsed. With regards to the proposal behind Jitterz, Staff does not object. The mobile food unit will be located in an area that is not visible from the street. In addition, the applicant has an agreement with Jitterz to use their restroom facilities for both his personal use and for customer use. Parking is also plentiful and not a concern.

RECOMMENDATION: Staff recommends approval subject to complying with all Health and Fire Codes and obtaining a business license prior to occupancy.

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

Mr. Javier Barrera asked will they have a smoker onsite?

Mr. Jaime Acevedo stated “no” everything will be made offside.

Mr. Ruben Aracute asked what time does Jitterz close?

Mr. Jaime Acevedo mentioned sorry I don’t have that information.

Mr. Ruben Aracute stated the reason I’m asking is, if Jitterz closes at nine and they close at eleven where would they use the restroom.

Mr. Jaime Acevedo stated Jitterz has extended hours, I’m just not sure what they are.

Mr. Daniel Sanchez was present to answer any questions the board might have.

Chairwoman asked what size is the trailer?

Mr. Daniel Sanchez stated it’s a 16’ x 6’ wide.

Mrs. Debra Alvarez asked why did you choose this location?

Mr. Daniel Sanchez mentioned I’ve always wanted to collaborate with a coffee shop.

Mrs. Debra Alvarez stated I thought we weren’t approving food trucks all over the city.

Mr. Jaime Acevedo mentioned the city would prefer for it to be in a food truck zone but the ordinance does not limit you to be in a specific area.

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

Started: 5:50 p.m.

Ended: 5:53 p.m.

Item #1.7

**Conditional Use Permit
Renewal:**

**Sale & On-Site consumption of Alcoholic
Beverages – Dai Tung Chinese Restaurant #2
2400 Brock St. Suite 1
Lot 23, Shary Business Center Subdivision
C-3
Dai Tung Corporation**

Mr. Acevedo went over the write-up stating that this site is located within a commercial plaza approximately 420' south of Griffin Parkway along the east side of Shary Road. Dai Tung had been operating on Lots 21 & 22 with a CUP for the sale of Alcohol since 2010. Their most recent renewal came on October 9, 2017 at which time their alcohol CUP was extended for a period of 2 years.

- Hours of Operation: Every day from 11:00 a.m. to 9:30 p.m.
- Staff: 16 employees
- Parking: There are 106 total seating spaces, which require 35 parking spaces (106 seats/1 space for every 3 seats = 35.3 parking spaces). It is noted that the parking area is held in common (153 existing parking spaces) and is shared with other businesses.

Since there are no churches or schools within 300' of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

RECOMMENDATION: Staff recommends approval subject to a period of two years at which time their TABC license and CUP will need to be renewed.

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 Conditional Use Permit for 4 years. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.8

Conditional Use Permit

Sale & On-Site consumption of Alcoholic

Renewal:

**Beverages – IncrediBowl
2140 E. Business Highway 83
Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision
C-4
Spare Time Concessions, LLC**

Mr. Acevedo went over the write-up stating that IncrediBowl, formerly Valley Bowl, is located approximately 400' east of Ragland Road on the South side of Business Highway 83. Mr. Cavazos has been offering the sale of alcohol with a CUP at this location since October 14, 2015. His most approval was on November 13, 2017 for a period of 2 years. The building overlaps the lot line over Lots 1 & 2. Viewing the floor plan, there are 24 bowling lanes and the approach and pit areas, a party room, an office as you enter the building, the rental area for bowling and shoes, the Café/snack bar/kitchen area, game room area, another office, and a utility/storage area. The main entrance to the facility is located along the North side of the building. There are separate restrooms for men and women. There is also a western portion which is used as a game room and party room for birthday parties.

- **Hours of Operation:** Sunday - Thursday from 9a.m. to 12a.m. and Friday thru Saturday from 9a.m. to 1a.m.
- **Staff:** 20
- **Parking:** In viewing the floor plan, there are a total of 180 parking spaces, meeting code.
- **Sale of Alcohol –** The existing restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a mobile and modular home residential neighborhood located south of the subject site within the 300' radius.

REVIEW COMMENTS: Notices were sent to property owners within 200 feet of this business where Staff has not received any comments in favor or against this CUP. Staff is recommending that the family-oriented establishment not be open past 12:00 a.m. and since the sale of alcohol is not the primary item of purchase, staff does not object to this proposal. The applicant has also requested if the Board and Council would consider approving a life of use CUP subject to not being transferable to others.

RECOMMENDATION: Staff recommends approval subject to a waiver of the 300' separation requirement from the residential neighborhood and that this CUP be approved for life of use.

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 for 4 years. Mr. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:55 p.m.

Ended: 5:57 p.m.

Item #1.9

**Conditional Use Permit
Renewal:**

**Sale & On-Site consumption of Alcoholic
Beverages – Buffalo Wings & Rings
907 S. Shary Road
Lot 2A, Colorado Subdivision
C-3
MS & PS, LLC**

Mr. Acevedo went over the write-up stating that the site is located on the NE corner of Shary Rd. and Colorado St. This CUP was most recently approved by P&Z for a period of two years on October 11, 2017. The restaurant has operated at this location with a CUP since 2009. Access to the restaurant is from both Shary and Colorado St.

Prior concerns have been on the number of incidents with Mission PD. Staff has requested from PD a report of the incidents in relation to the sale of alcohol which we should have by the meeting date.

- **Hours of Operation:** Sunday – Thursday from 11a.m. to 12a.m. and Friday & Saturday from 11a.m. to 2a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Parking & Landscaping:** The 5,171 sq.ft. restaurant requires 69 parking spaces. There are 94 existing spaces, exceeding code by 25. They are also in compliance with the landscaping code.
- **Sale of Alcohol:** This restaurant does have a bar component which requires that there be no churches, schools, or residences within 300' of the restaurant. There are no such uses within 300'. Staff has also requested a report from Mission P.D. in regards to any incidents which may have occurred in relation to the sale and on-site consumption of alcohol. We should have that report by the meeting date.

RECOMMENDATION: Staff recommends approval of this CUP for a period of two 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 for 4 years. Mr. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:57 p.m.
Ended: 5:59 p.m.

Item #2.0

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

Chairwoman Izaguirre entertained a motion to remove item from tabled. Mr. Ruben Arcaute moved to approve the motion. Mr. Jasen Hardisen second the motion.

Mr. Acevedo went over the write-up stating that this site is located located near the NW corner of Bryan Road and E. 1st 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. This item was tabled initially because a site plan was not presented of their proposed business. After meeting with the applicant, a proposal has been submitted to staff that will work for this area—see attached. Because the Future Land Use Map shows this are as a General Commercial area and because the applicant has shown a project that will work, Staff does not object to the proposal. As with all other commercial properties next to residential, a solid buffer will be required during the building permit stage. As of the date of this write-up, staff has not received any calls or written complaints on the proposed rezoning.

RECOMMENDATION: Approval.

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. Mrs. Debra Alvarez moved to approve the Rezoning as per staff's recommendation. Mr. Jasen Hardisen 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 5:59 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission