

**PLANNING AND ZONING COMMISSION  
DECEMBER 11, 2019  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Javier Barrera  
Debra Alvarez  
Ruben Arcaute  
Raquanel Austin

**P&Z ABSENT**

Diana Izaguirre  
Hector Moreno  
Jasen Hardisen

**STAFF PRESENT**

Jaime Acevedo  
Jessica Munoz  
Carmen Castro  
Rey Medrano

**GUESTS PRESENT**

Aaron & Mary Alvarado  
Elsa L. Vargas  
Joe & Bertha Alvarado  
Ricardo Betts  
Tom Kruger  
Yolanda Hernandez  
Rogelio Rodriguez  
Margaret Fisher  
Lucia Herrera  
Jesse Ruiz

**CALL TO ORDER**

Chairmen Javier Barrera 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 NOVEMBER 13, 2019**

Chairmen asked if there were any corrections to the minutes for November 13, 2019. Mr. Raquanel Austin moved to approve the minutes as presented. Mr. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:49 p.m.**

**Item #1.1**

**Rezoning:**

**A 16.43 acre tract of land out of Lot 7-9,  
West Addition to Sharyland  
AO-I to I-1  
Madero Grid, LLC c/o Able Grid Energy Solutions**

Mr. Acevedo went over the write-up stating that the irregular shaped property is located ¼ mile north of Military Road (F.M. 1016) between Mayberry and Bryan Road—**see vicinity map.**

**SURROUNDING ZONES:**

N: AO-I Agricultural Open Interim  
E: AO-I Agricultural Open Interim

W: AO-I Agricultural Open Interim  
S: AO-I Agricultural Open Interim

**EXISTING LAND USES:**  
N: Existing Powerplant  
E: Agricultural  
W: Agricultural  
S: Agricultural

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

**REVIEW COMMENTS:** This is within the Sharyland Plantation Planned Unit Development. The property is located next to the original Sharyland Utilities power plant which was later sold to Encore Energy and was recently acquired by AEP. AEP plans to extend the existing powerplant to the south and would like the property where the expansion will take place on to be properly zoned.

**RECOMMENDATION:**  
Approval.

Chairmen Barrera asked if there was any input in favor or against the request.

Mr. Aaron Alvarado approached the board in opposition. Mr. Alvarado stated we are owners of 31 acres in that area. What benefits do my wife and I have if they build this substation?

Representing the applicant, Tom Kruger stated I'm the director for the permitting for Able Grid Energy Solutions LLC, we are the parent company for Madero Grid LLC, who is the sponsor of this project. He stated we are not AEP this is not an extension to their substation. What we do is standalone utilities scale battery energy storage system. What we are doing is a large industrial size battery installation that would be tied into the regional electric transmission grid. Our project will serve the power needs of the region rather than serving one property only, we tie into a substation to power the whole area. He stated what this does for the residents around this area is provide more stable reliable power system, and reduce electricity rates.

Mrs. Debra Alvarez stated I'm very confused, you stated you are not with AEP.

Mr. Jaime Acevedo stated AEP is the company they would get the power from.

Mrs. Debra Alvarez stated AEP produces and you purchase.

Mr. Tom Kruger stated we are not generating we are batteries; we charge of the grid at times when there's lots of generation. He stated this is not an AEP project but we are working directly with AEP, we will tie into their existing substation.

Mr. Ruben Arcaute mentioned is there any health issues with these batteries.

Mr. Tom Kruger stated there's no health and safety issues related to the battery systems. These batteries are Lithium-Ion chemistry batteries, they are effectively solid-state battery. He stated there's nothing to leak nothing to spill we are not creating any admissions.

Mr. Javier Barrera asked what are your time's tables?

Mr. Tom Kruger stated the time's table on this is 2020-2021 built.

Mr. Jaime Acevedo mentioned can you describe what it's going to look like?

Mr. Tom Kruger stated we would be large enough to have a standalone building, all our batteries would be in a single structure or a pair of structures onsite. Adjacent to the sides of the building our mid voltage inverters will be there, those will tie into a small electric substation which is within our site. He stated from there we would have a line running effectively across the property into the substation to the north. Our entire facility will be fenced or walled depending on the requirements.

Mr. Aaron Alvarado mentioned the health and safety issues was it done in house or by an independent person.

Mr. Tom Kruger stated the technology we are using are all solid-state batteries all the potentially hazardous material or components are locked in and can't leak out.

Mr. Aaron Alvarado stated that's not what I asked you, I'm asking you if it was done in house or did you hire someone to do a safe and health check?

Mr. Tom Kruger stated this comes down to the way materials are classified in the industrial system, weather the potentially hazardous components are free and able to be handled or touched or spilled, verses locked away. He stated we all have equipment in our houses which have hazardous components, but the equipment it self is not hazardous.

Mr. Javier Barrera stated Mr. Alvarado are you saying you can't develop your property?

Mr. Aaron Alvarado stated No because there sealing off Mayberry.

Mr. Javier Barrera stated where are they sealing Mayberry off from.

Mr. Jaime Acevedo stated there's 40 feet right of way on Mayberry Rd., Mr. Acevedo added If Mayberry is getting punched through Military Hwy., we would need an additional 20' ROW from the applicant and a 20' ROW from the property on the west.

There being no further discussion, Chairmen Barrera entertained a motion. Mr. Ruben Arcaute moved to approve the rezoning. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 6:13 p.m.**

**Item #1.2**

**Conditional Use Permit: Home Occupation – Income Tax Preparation & Bookkeeping/Accounting  
1316 N. Saint Marie Street  
The South ½ of Lot 8, and all of Lot 9, Block 5,  
Blake Addition Subdivision  
R-1  
Elsa L. Vargas**

Mr. Acevedo went over the write-up stating that this site is near the NE corner of E. 13<sup>th</sup> Street and St. Marie Avenue along the east side of St. Marie. The applicant has a room that has been converted as a notary and tax preparation office—see pictures.

- **Hours of operation:** Monday – Friday from 9 a.m. to 6 p.m. by appointment only
- **Staff:** The applicant is proposing 1 employee.

**REVIEW COMMENTS:** The PNZ and City Council has approved these types of CUP's in the past for short periods of time only and when there are no outside employees. The intent of home occupations is to help the homeowner with their business startup and eventually move them into a brick and mortar building. Home occupations are not intended for long term time periods. Home occupations take business away from others that carry out their activities in commercial/brick and mortar buildings wherein utilities, rent/mortgage payments, and commercial taxes are paid. Commercial business must comply with paving, landscaping, sidewalks, commercial building codes, and many other stricter requirements versus the lower operating costs that home occupations operate under. Therefore, any approval should be with the understanding that it will be short term and not something that will be approved permanently or for life of use. A total of 23 notices were sent out. One person did call in opposition and there is an unverified petition with 20 signatures in support of the home occupation.

**RECOMMENDATION:** Staff recommends approval for 1 year only subject to subject to the acquisition of a business license and compliance with home occupation regulations.

Chairmen Barrera asked if there was any input in favor or against the request.

Mr. Joe Alvarado approached the board in opposition. Mr. Alvarado stated I'm here today to protest, I own property in that area and that area has always been residential. I have all of mission zoning codes, articles 4, 6, 9, 10, you can go back and reference what can be done in that area. Mr. Alvarado stated we don't have enough parking for a

business. Plus, she's not the owner of the house the owner is Ricardo Diaz. Why are we giving permits to non-owners?

Mrs. Debra Alvarez asked is this a new conditional use permit?

Mrs. Bertha Alvarado approached the board in opposition. Mrs. Alvarado stated this is new this property just got sold 3 months ago.

Mr. Acevedo stated code enforcement went out to the property and saw a sign, so it started off as a code enforcement case. Mrs. Vargas came in and asked what were her options, I told her the only way to do it is if you apply for a home occupation.

Mrs. Debra Alvarez asked A home occupation is legal?

Mr. Jaime Acevedo stated "Yes" through a conditional use permit. Mr. Acevedo stated as far as her not owning the property, her husband owns the property.

Mrs. Margaret Fisher approached the board in opposition. Mrs. Fisher stated my husband and I have lived in this area since 1977 this area is the original town site. Mrs. Fisher stated this is one of the first residential areas in the north east mission. When I heard of the conditional use permit a few of us got together and decided to canvas the neighborhood, we got 32 signatures in opposition. How do you know its only by appointment? This is a historic area; we don't want businesses in a residential area.

The applicant Mrs. Elsa L. Vargas Martinez stated I'm the owner of Vargas management. The trucks that are parked at my residence are my husbands, he is also the owner of the property. Mrs. Vargas Martinez stated my business is by appointment only. The services I will be providing will be bookkeeping, tax services, and accounting.

Mr. Javier Barrera asked why don't you rent an office suite?

Mrs. Elsa L. Vargas Martinez stated because my business is barley growing and I have my son.

There being no further discussion, Chairmen Barrera entertained a motion. Mrs. Debra Alvarez moved to approve the Conditional Use Permit for 6 months. Mr. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 6:17 p.m.**

**Item #1.3**

**Conditional Use Permit**

**Renewal:**

**Kona Ice Mobile Food Unit**

**Various Commercial, Public, Institutional Sites**

**Jesse Ruiz**

Mr. Acevedo went over the write-up stating that this applicant is requesting renewal of his Conditional Use Permit for a mobile food unit that sell shaved ice when solicited. Mr. Ruiz purchased into the Kona Ice franchise and is the sole authorized vendor for the entire Mission area. However, in order to operate his business a CUP needs to be considered. Mr. Ruiz has alerted staff that he will not have a fixed site nor will he be driving around the streets of Mission. His business will operate solely upon request and will be strictly for fund raising events. Mr. Ruiz operates helping local organizations such as public schools, charter schools, religious organizations, day care facilities, and other non-profit organizations such as boys and girls club. He sets up at their locations and a portion of the sales will be donated to the host partner. The hours of operation and location would vary depending on the organization partnering with Mr. Ruiz.

- **Staff:** Mr. Ruiz and 1 part time employee
- Must continue to comply with building, fire, and health codes.
- Cannot operate from a residential zone

**REVIEW COMMENTS:** The portable food trailer is more appealing than others within the City, however this is the first time that a CUP would be given to a food truck without a home base.

**RECOMMENDATION:** Staff recommends 3 additional years.

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

There was none.

There being no discussion, Chairmen Barrera entertained a motion. Mrs. Debra Alvarez 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: 6:17 p.m.**

**Ended: 6:19 p.m.**

**Item #1.4**

**Conditional Use Permit  
Renewal:**

**Drive-Thru Service Window -  
El Tranvia  
2515 S. Colorado, Suite 11  
Lot 2, Block 2, Santa Lucia Development  
Subdivision  
C-3  
Karla Galvan**

Mr. Acevedo went over the write-up stating that this site is located at the NW corner of Colorado and Taylor Road.

**EVALUATION:** Several tenants have successfully operated the use of the drive-thru window from this location in the past. Most recently on November 2018, the applicant

was granted a 1-year Conditional Use Permit approval for the use of the drive-thru window at this commercial development for a taqueria. Access to the site is provided off Colorado or Taylor through an existing 24' driveways. Customers can park within the shared parking area to walk in and purchase items, or they can use the drive-thru service window.

- **Days / Hours of operation:** Sunday – Wednesday from 8:00 a.m. to 10:00a.m. & Thursday – Saturday from 8:00 a.m. – 11:00 p.m.
- **Staff:** a total of 6 employees will man this operation
- **Parking:** There are a total of 74 parking spaces held in common for the plaza. In speaking to the applicant, only a large portion of her business is for take-out, thus staff does not anticipate any concerns with parking.
- **Landscaping:** The landscaping, paving, and drainage for the entire plaza meets code.
- **Menu:** Various prepared snacks and non-alcoholic drinks along with other pre-packaged snacks will be the primary items sold from this location.

**REVIEW COMMENTS:** The applicant has operated from this location for 1 year now without any incidents related to their Conditional Use Permit.

**RECOMMENDATION:** Approval for life of use subject to Conditional Use Permit not being transferable to others.

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

Their being none

There being no discussion, Chairmen Barrera 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: 6:19 p.m.**

**Ended: 6:21 p.m.**

**Item #2.0**

**Site Plan Approval:**

**Construction of 5 Apartments**

**1608 N. Inspiration Rd.**

**The North 91.33' of the West 353.2' of Lot 22-1  
and the South 32' of the West 353.2' of Lot 23-1,  
West Addition to Sharyland**

**R-3**

**Jorge & Minerva De Leon c/o Rodriguez Homes**

Mr. Acevedo went over the write-up stating that this site is located between Barnes Street and West 20<sup>th</sup> Street along the east side of Inspiration Road. Site Plan approval is required prior to permit issuance for multi-unit complexes of five or more.

Viewing the site plan, there is currently a single story 'L' shaped building with 8 apartments. The applicant is proposing to expand to this building with 5 additional units. The building must comply with all fire code requirements for a multi-family building. If approved, additional 5 units would complete the allowable development at this site.

The minimum required setbacks for the site are: 20' front along Inspiration; rear setbacks of 10'; and 6' side setbacks. It is noted that all setbacks are in compliance.

As seen, one 24 circular driveway on to Inspiration Road will lead the traffic into and out of the facility. There is no rear access or rear alley.

With regards to parking, the site plan shows 28 regular parking spaces. For a multi-family building of this size the City Code requires 26, therefore exceeding code. With regards to trash, there is a commercial trash canister that is shared by the tenants.

Ten percent landscaping will be required with a combination of trees, plants, and shrubs. A minimum of seven (7) – three (3') inch caliper trees are required to be planted within the green areas. In addition, one light pole in front parking area and one light pole in rear parking area will be required.

These apartments are in a legal unrecorded subdivision and the proper impact fees need to be collected for the additional housing units being constructed. Current park fees are \$500 per unit x 5 units = \$2,500. In addition, a \$600 sewer capital recover fee (5 @ \$120/unit) will also be imposed.

**RECOMMENDATION:** Staff recommends approval subject to:

- 1) the submittal of grading and detention plan to our City Engineer;
- 2) compliance with landscaping and parking light pole requirements as noted above;
- 3) compliance with all building and fire codes;
- 4) \$600 sewer capital recover fees and \$2,500 park fees;

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

There being no discussion, Chairmen Barrera entertained a motion. Mrs. Raquene Austin moved to approve the Site Plan Approval as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously

**Started: 6:21 p.m.**

**Ended: 6:31 p.m.**

**Item #3.0**

**Tabled Conditional  
Use Permit**

**To Place a Wood Frame Home on a Property  
Zoned (R-\$) Mobile Home & Modular 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**

Chairmen Barrera entertained a motion to remove item from tabled. Mr. Ruben Arcaute moved to approve the motion. Mrs. Raquanel Austin second the motion.

Mr. Acevedo went over the write-up stating that this item was tabled at the November 13, 2019 meeting due to the aesthetics of the residence.

**SITE:** 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.

**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:** No action, item will be brought back at a later date when renovations have been verified.

No action was taken on this item.

There being no further discussion, Chairmen Barrera entertained a motion. Mrs. Raquanel Austin moved to take no "action" for the Conditional Use Permit. Mr. Ruben Arcaute seconded the motion.

**ITEM #4.0  
OTHER BUSINESS**

**ITEM #5.0  
ADJOURNMENT**

There being no further items for discussion, Mrs. Raquanel Austin moved to adjourn the meeting. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:31 p.m.

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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission