

**PLANNING AND ZONING COMMISSION
JULY 24, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Jasen Hardisen
Hector Moreno
Raquenel Austin
Ruben Arcaute
Debra L. Alavarez

P&Z ABSENT

STAFF PRESENT

Jaime Acevedo
Susana De Luna
Jessica Muñoz
Ray Medrano

GUESTS PRESENT

Rogelio Pena
Norma P. Sanchez
Jaime Valdez
Oscar Martinez
Omar Hadroune
Nora Arguelles
Aguie Pena

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:33 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR JULY 10, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for July 10, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:39 p.m.

Item #1.1

Conditional Use Permit

Non-Residential Parking

1101 Slabough Avenue

Lot 7, Block 183, Mission Original Townsite

R-1

Jaime Valdez

Mr. Acevedo went over the write-up stating that the request the Board is to consider permitting the use of an R-1 lot to be used as parking in conjunction with a commercial auto body repair shop owned by the applicant. The lot is located at the NW corner of near the Slabough Avenue/W. 11th Street intersection along the west side of Slabough Avenue. The commercial development is doing well and is in need of additional parking for employees. Recently, Staff was made aware that employees were parking along 11th street. The approval of this CUP would help eliminate that.

The surrounding land uses include single family residential to the north, west, and east. To the south is the body shop which is zoned Heavy Commercial (C-4). Access to the site will be from Slabough and will be limited to the hours of 8:00 a.m. to 5:00 p.m., the hours of the body shop. If approved the applicant would comply with city codes which requires that all off-street parking be on an all-weather surface.

REVIEW COMMENTS: It is noted that a buffered parking lot is not a noisy element to area homes, and that the required solid buffer will deflect perceived invasion to their privacy. Since residential, the residential landscaping requirements will still apply to this CUP request.

RECOMMENDATION: Approval subject to:

1. The installation of a solid buffer to the north and west;
2. Compliance with landscaping;
3. The installation of an all-weather surface parking area.

Chairwoman Izaguirre asked if there was anyone for or against this item.

Chairwoman Izaguirre asked does anyone have any questions.

Jasen Hardison asked what kind of buffer.

Mr. Jaime Acevedo replied, it has to be a solid fence, a cedar or a metal fence.

Mr. Jaime Valdez mentioned, on the north side it would be a metal fence and on the west side towards the alley a cedar fence.

Chairwoman Izaguirre replied, it would be better if it's all cedar.

Mrs. Debra Alvarez replied, I agree all cedar, especially because there's a house to the north side.

Jasen Hardisen asked, is caliche all weather surface.

Mr. Jaime Valdez replied; I was looking into crushed asphalt.

Mrs. Debra Alvarez asked, are you looking into purchasing this property.

Mr. Jaime Valdez replied, yes, we are in the process.

Mrs. Debra Alvarez asked, will you upgrade once it's yours.

Mr. Jaime Valdez replied, "yes"

There being no further discussion, 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: 5:39 p.m.

Ended: 5:48 p.m.

Item #1.2

Conditional Use Permit

**To Place a Hotdog Stand at Mini Max #5
Convenience Store
100 N. Mayberry Street
Lot 53, Mayberry Plaza #2 Subdivision
C-2
Moulay Hadroune**

Mr. Acevedo went over the write-up stating that this site is located at the NE corner of 1st and Mayberry Street within the Mini Max #5 Convenience Store—**see vicinity map**. The applicant wishes to place a food cart for the sale of hot dogs on the West side of the Mini Max#5—**see site plan**. He is also the person operating the Mini Max#5. Access to the site is from an existing driveway along Mayberry Street and along 1st Street. There are existing restroom facilities located within the grocery store.

- **Hours of operation:** Thursday – Sunday from 6 A.M. to 11P.M.
- **Staff:** 1 employee
- **Parking:** There are approx. 9 spaces available for the grocery store which would be shared with the hot dog cart. There are also 4 gas pumps that can also be utilized for parking.
- Requires the approval of the Health and Fire Department
- A new business license is required prior to occupancy

REVIEW COMMENTS: Recently, the City Council passed an ordinance in which portable buildings and food carts were no longer allowed. While there are some that were grandfathered, no more carts were allowed. Then, an amendment was made and mobile food units were allowed under certain conditions and criteria. The definition in our City Ordinances for allowable mobile food trailers is as follows: ***Mobile food unit: A food service operation mounted on a chassis which is designed to be towed over roads or mounted on a motor-propelled vehicle.*** What is being requested in my opinion, does not qualify under the definition of what is allowed. In speaking to our City Attorney, he also agrees that this does not meet the criteria allowed by the City. The applicant disagrees and would like to proceed for PNZ consideration.

RECOMMENDATION: Staff recommends denial.

Chairwoman Izaguirre asked if there was anyone for or against this item.

Mr. Javier Barrera asked, does it have a chassis.

Mr. Jaime Acevedo replied, if it doesn't have chassis then it won't be allowed for what they're proposing to do.

Mr. Jaime Acevedo mentioned, I'm confused because the applicant stated that the hotdog stand was going to be inside the building, but no one puts a hotdog stand inside the building. If its going to be inside, there's no need for a CUP.

Mrs. Debra Alvarez mentioned, most hotdog stands stay permanent, I've seen it in other cities.

Mr. Jaime Acevedo mentioned, when the ordinance changed back in 2016, three hotdog stands were grandfathered. Those hotdog stands were in existence since 2010. The applicant wanted to be considered under the grandfathered status, but he didn't apply until June 2015 and his CUP was only approved for 1 year. When his CUP expired, he couldn't renew anymore.

Mrs. Debra Alvarez mentioned, it shows the hotdog stand outside.

Mr. Jaime Acevedo mentioned, we don't have any renderings.

Mrs. Debra Alvarez mentioned, he wishes to place a food cart, so that's outside.

Mr. Jaime Acevedo replied, it just makes sense, that a food cart would be outside.

Mr. Javier Barrera asked, is he associated with someone else.

Mrs. Debra Alvarez replied, he is the owner of Mini Max.

Mrs. Debra Alvarez asked, why doesn't he sell the hotdogs inside the store.

Mr. Jaime Acevedo replied, the applicant mentioned that having the cart outside attracts more customers.

Mrs. Debra Alvarez asked, will that hotdog stand be permanent.

Mr. Omar Hadroune replied, it will be moved at night when we close.

Mr. Javier Barrera asked, how many days of the week, are you going to open.

Mr. Omar Hadroune replied, I will be open 3 days a week Thursday-Sunday 5 p.m. to 11 p.m.

Mr. Javier Barrera mentioned, I've seen other businesses to promotional things, outside their business how do they do that.

Mr. Jaime Acevedo replied, we occasionally have HEB, which will sell roasted corn but its not the same as this because its not continuous.

Mr. Javier Barrera asked, do the other cities allow carts.

Mr. Jaime Acevedo replied, McAllen allows the mobile food trucks, the ones you drive.

Mrs. Raquene Austin asked, what size is the food cart.

Mr. Omar Hadroune replied, it's not too big.

There being no discussion, Mr. Javier Barrera moved to approve the conditional use permit. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m.

Ended: 5:51 p.m.

Item #1.3

Conditional Use Permit:	Home Occupation – Licensed Child Day Care
Renewal:	4204 San Roman, Lot 26, Paseo Lindo Phase 2 Subdivision PUD Nora Arguelles

Mr. Acevedo went over the write-up stating that this site is located approximately 400' East of Santa Engracia along the South side of San Roman. The applicant wishes to retain a Home Occupation CUP for a licensed child care home. This CUP was initially approved on February 11, 2015 for a period of 1 year, and then again on March 23, 2016 for a period of 3 years. The home has a two-car driveway off of San Roman capable of accommodating the safe drop off and pick up of children. There is a six-foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children. Mrs. Arguelles will primarily use her living room to care for the children.

- **Hours of operation:** Monday – Friday from 8a.m. to 4p.m.
- **Staff:** Herself and her daughter will run the registered home.
- Business license required prior to opening child day care (12 children max).
- Applicant must be DHS certified in order to obtain business license.
- Must continue to comply with Sec.1.56-1, Zoning Code (home occupations regs.), inclusive of sign requirements – see code below.

REVIEW COMMENTS: The applicant has been in operation for over 4 years now with no issues or complaints to report. Staff has received/reviewed several of these types of CUPs in the past and have not had any problems with previous others; and we have sent notices to property owners within a 200' radius surrounding the property without

receiving comments for or against the request, thus Staff does not object to the CUP request.

RECOMMENDATION: Approval subject to:

1. A 3-year re-evaluation in order to monitor the child care facility;
2. Must continue to be DHS certified;
3. Must continue to comply with the Home Occupation portion of the Zoning Code.

Chairwoman Izaguirre asked if there was anyone for or against this item.

Mr. Jasen Hardisen asked, do they have permission from the HOA.

Mr. Jaime Acevedo replied, yes, we have a letter from the HOA giving them permission since they initially applied.

Mr. Jaime Acevedo mentioned, the only rule they have, is no signs allowed.

There being no further discussion, 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: 5:51 p.m.

Ended: 5:53 p.m.

Item #2.0

**Homestead Exemption: A 2.36 acre tract of land out of the
Northeast ½ of Lot 28-4,
West Addition to Sharyland Subdivision
AO-I
Sergio Fonseca**

Mr. Acevedo went over the write-up stating that this site is located 300' south of 2 Mile Road along the west side of Holland Road. The irregular lot has 101.5' along Holland and a lot depth of 660'. The lot exceeds the square footage size requirements for an R-1 lot. The applicant desires to construct his single family residence thereon. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

WATER – The applicant is proposing to connect to an existing 12" water line located along the west side of Holland Road, to provide water service to the lot.

SEWER – The applicant is proposing to connect to an existing 10" sanitary sewer line along the east side of Holland Road, to provide sewer service to the lot. The capital sewer recovery fee is waived via the HEV.

STREETS & STORM DRAINAGE – The subject site has frontage to Holland Road, which has an 80’ ROW with a future 57’ B/B paved street. An addition 20’ of ROW will need to be dedicated. Drainage will be onsite.

OTHER COMMENTS

- Must comply with Model Subdivision Rules.
- Must dedicate water rights.
- The street light requirement is also waived via the HEV.
- The park fees are also waived.

RECOMMENDATION

Staff recommends approval subject to dedication of 20’ of additional ROW along Holland Road, and compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairwoman Izaguirre asked if there was anyone for or against this item.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Mrs. Raquanel Austin moved to approve the Homestead Exemption as per staff’s recommendation. Mrs. Debra Alvarez 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. Raquanel Austin moved to adjourn the meeting. Mr. Javier Barrera seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:53 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission