

**PLANNING AND ZONING COMMISSION  
SEPTEMBER 25, 2019  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Diana Izaguirre  
Hector Moreno  
Raquenel Austin  
Debra Lee Alvarez  
Javier Barrera

**STAFF PRESENT**

Jaime Acevedo  
Susana De Luna  
Maribel Quintanilla

**GUESTS PRESENT**

Guillermo Ramirez  
Leticia Ramirez  
Joe Cano  
Jaime Sanchez  
Jorge L. Sanchez  
Aida Garcia  
Miguel Kamel  
Steven Alaniz  
Corina Alaniz

**CALL TO ORDER**

Chairwoman Diana Izaguirre called the meeting to order at 5:31 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR SEPTEMBER 11, 2019**

Chairwoman Izaguirre asked if there were any corrections to the minutes for September 11, 2019. Mr. Javier Barrera moved to approve the minutes. Mrs. Debra Lee Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:32 p.m.**

**Ended: 5:34 p.m.**

**Item #1.1**

**REZONING:**

Lots 1, 2, 4, & 5,  
Padron Subdivision  
AO-I to C-3  
Aida Garza

**SITE:** The subject site is located between Moorefield Road and Inspiration Road along the north side of West Mile 3 Road.

**SURROUNDING ZONES:** N: Outside City Limits  
E: AO-I – Agricultural Open Interim  
W: AO-I – Agricultural Open Interim  
S: C-3 – General Commercial

**EXISTING LAND USES:** N: Agricultural (County)  
E: Agricultural  
W: Agricultural  
S: Commercial

Site: Residential & Commercial

**FLUM:** Not shown on Future Land Use Map

**REVIEW COMMENTS:** Although not shown on the future land use map, this is an area that will reflect General Commercial (GC) when the future land use map amendment is approved next month. Having frontage to West Mile 3 Road and being that there is commercial directly south, it seems that the C-3 proposal is the highest and best use for the site.

**RECOMMENDATION:**  
Approval.

Chairwoman Izaguirre asked if there were any comments in favor or against the request.

There were no comments.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Debra Alvarez moved to approve the rezoning as presented. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:34 p.m.**

**Ended: 5:35 p.m.**

**Item: #1.2**

**REZONING:** A 2.0 acre, more or less, out of the North  
10 acres of the South 20 acres out of Lot 183,  
John H. Shary Subdivision  
AO-I to R-1T  
Black Diamond Development, LLC

Mr. Jaime Acevedo went over the write-up stating that the subject site is located Approximately 1/3 mile north of U.S. Expressway 83 along the east side of Glasscock Road.

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

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

**FLUM:** General Commercial (GC)

**REVIEW COMMENTS:** The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use. Although the FLUM shows a General Commercial (GC) designation, staff notes the FLUM can be amended to reflect the R-1T use. 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.

Chairwoman Izaguirre asked if there were any comments in favor or against the request.

There were no comments.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raquene Austin moved to approve the rezoning as presented. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:35 p.m.**

**Ended: 5:38 p.m.**

**Item #1.3**

**CONDITIONAL USE PERMIT:** To Place a 12 x 26 Portable Building  
Office Use  
801 S. Conway Boulevard  
Lot 1, Big Lake Subdivision  
AO-P  
Magic Valley Concrete, LLC

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 1/4 mile south of U.S. Expressway 83 along the east side of Conway Boulevard (S.H. 107). The irregular 22.16-acre site is the current location for CAPA Concrete. The applicant is requesting a CUP for the installation of a 12' x 26' portable building that will be used for office use. 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'.

The applicant is proposing to install a new plant and would like the use of a portable building to be used as an office for the proposed concrete plant addition. The area is subdivided and has both water and sewer services for the proposed portable building.

**REVIEW COMMENTS:** If approved, the portable building will be used for a maximum of 3-5 years at which time a permanent structure will be considered. CAPA has seen an increase in business and thus the need to expand their operations. It is noted that CAPA has been in operation at this location since the 80's. The proposed area where the portable building will be placed used to be a dry lake bed but recently the elevation of this area has been elevated with fill dirt. The applicant is working with a local engineer on obtaining a revised elevation certificate to show staff the current elevation of the Lot. The applicant is also in the process of rezoning the entire property to Light Industrial (I-1). 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. Re-evaluation of this CUP in 1 year to assess this new operation;
3. Flood Elevation Certificate to show that area is no longer a dry lake bed.

Chairwoman Izaguirre asked if there were any comments in favor or against the request.

There were no comments.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Moreno moved to approve the conditional use permit as presented. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:38p.m.**

**Ended: 5:40 p.m.**

**Item #1.4**

**CONDITIONAL USE PERMIT**

**RENEWAL:**

For 4 Drive-Thru Service Windows

- Snowball Express #2

3124 N. Mayberry Road

Being 1.27 acres of land out of the West

310' of the North 224' of Lot 28-9,

West Addition to Sharyland Subdivision

C-2

Snowball Express LLC, (c/o Elgin Xavier)

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately between the SE corner of Mayberry Road and E. 2 Mile Road. The most recent renewal came on January 9, 2019 at which time a 6-month renewal was awarded

with hours until 10:00 pm only. The applicant has remained in operation even though his CUP expired July 28, 2019 and would now like renewal of his CUP and to extend his hours of operation for the drive-thru windows until 2 am.

- **Hours of Operation:** 24 hours / 7 days a week
- **Staff:** 12 employees
- **Parking:** There are a total of 20 striped parking spaces and a drive-thru lane that allows for that stacking of 9 vehicles for a total of 29 parking spaces at Snow Ball Express #2. For a snack stand of this size a total of 6 parking spaces are required, thus exceeding code.
- **Landscaping:** Landscaping needs to meet City Code.

**REVIEW COMMENTS:** The snow cone business has been in operation for almost 3 years now. Recently, we were made aware by neighbors that the drive-thru business was staying open until 2:00 a.m. without PNZ or City Council consideration. The applicant claimed he was not aware that he needed to notify the City of any hour changes. The complaints received by Staff are that Snowball Express customers using the drive thru windows will idle waiting for their orders with loud exhaust mufflers and loud music playing from their vehicles.

Staff supports this local business and would like the applicant to continue his use of his drive-thru windows. However, Staff also recommends keeping the hours of the drive-thru windows until 10:00 p.m. on weekdays and until midnight on weekends. The long-established residential community directly south and residential lot just east of this newly established business is being impacted by the noise being created by the late hour traffic. The City has a noise ordinance and an obligation to protect these citizens who have been there long before this new business.

It is noted that after numerous approvals in the past 18 months, the applicant has not complied with the conditions imposed on him when his Conditional Use Permit has been approved. Efforts have been made to ensure compliance to no avail. Due to the non-compliance on behalf of the applicant, Staff cannot recommend favorably.

**RECOMMENDATION:** Denial.

Chairwoman Izaguirre asked if there were any comments in favor or against the request.

There were no comments

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to deny the conditional use permit as presented. Mr. Acevedo asked the Board if they were denying the extended hours or CUP altogether. Mr. Barrera said they are recommending denial of any and all use of drive thru windows. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:40 p.m.**

**Ended: 5:42 p.m.**

**Item #1.5**

**CONDITIONAL USE PERMIT  
RENEWAL:**

To Keep a Portable Building –  
Auto Sales Office Use  
1418 E. Business Highway 83  
Lot 1, Lemon Tree Plaza Subdivision  
C-3  
J. Sanchez Motors (c/o Jorge Sanchez)

**SITE:** The subject site is located at the SW corner of Lemon Tree and Business Highway 83. This CUP was initially approved on February 13, 2017. However, the applicant did not open until September 2018 and is up for reconsideration. The applicant operates a used auto lot and is seeking to keep the 15' x 8' portable building to be used as an office for a used car lot. The applicant plans for this portable building to be used on a temporary basis as the applicant plans on constructing a permanent structure in the near future. The portable is setback approximately 90' from the property line which allows for the front area to be utilized for customer parking and for the display of vehicles being sold. Access to the site is off of Business Highway 83.

- **Hours of operation:** Monday – Friday from 8:00 a.m. to 6:00 p.m., Saturdays from 8:00 a.m. to 3:00 p.m., and closed on Sundays.
- **Staff:** 2-3 employees will run this operation.
- **Parking:** A business office of this size requires a minimum of 4 parking spaces. There are 37 parking spaces that can be used for staff/customer parking and the displaying of used autos.
- **Landscaping:** There is landscaping in the front of this establishment and along the side fronting Lemon Tree which meets landscaping requirements.

**REVIEW COMMENTS:** Staff knows that having a portable sales office along Business 83 may not be a long-term desire of the City when considering aesthetics along a major corridor. While it is not common to have a portable sales office for this type of business, the ultimate goal is to transition from a portable building to an on-site permanent structure. Being that the initial approval came in early 2017, we cannot continue to support the continued use for a long period of time at this location.

**RECOMMENDATION:** Approval subject to a 6-month re-evaluation or once the permanent structure is constructed and maintenance of landscaping along Business Highway 83.

Chairwoman Izaguirre asked if there was any public opposition to the request.

There was no response.

Chairwoman Izaguirre asked if the applicant was present.

Mr. Sanchez approached the podium and said he would start construction of a site built building in six months.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve the conditional use permit as presented. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:43 p.m.**

**Ended: 5:44 p.m.**

**Item #1.6**

**CONDITIONAL USE PERMIT**

**RENEWAL:**

Sale and On-Site Consumption of Alcoholic Beverages – Jall’s Sports Bar & Grill  
1810 W. Griffin Parkway, Suites B, C, & D  
Lots 7 & 8, Inspiration Point Subdivision, Ph. I  
C-3  
Jall’s Sports Bar & Grill (c/o Leticia Ramirez)

**SITE:** The subject site is located 300’ from the NW corner of Inspiration Rd. and Griffin Parkway. The site consists of three buildings that share the same parking area. The sports bar has been in operation since 2014 and a call to PD revealed that there were no incidents reported from this location.

- **Hours of operation:** Monday – Sunday from 11a.m. to 12a.m.
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 59 total seating spaces for the sports bar, which require 20 parking spaces (59 total seating spaces/3 = 19.6 parking spaces). It is noted that the parking area is held in common (98 existing parking spaces) and is shared with other suites.
- **Landscaping:** In regards to landscaping, there are existing green areas and landscape islands with trees within the parking lot along Griffin Parkway however we do recommend that they be watered and maintained.
- **Noise Code:** In speaking to the applicant, they only have a jukebox, no live bands or karaoke.
- **Sale of Alcohol –** The applicant does have a full bar available. Section 1.56(3)(a) states that bars must be at least 300’ from the nearest residence. There is an existing residential subdivision located along the north side of the site.
- Must comply with Building, Signage, Fire & Health Codes and must obtain a Business License.

**REVIEW COMMENTS:** In viewing the menu, it is easy to see that the primary intent of this CUP is not mainly a restaurant. Since this request is primarily for a bar, Staff is recommending a TABC Conduct Surety Bond. The bond will help ensure that the business conducts itself in an orderly manner and complies with TABC requirements. We do note that the sports bar closes no later than 12a.m. throughout the week (even on weekends). These operating hours, to a certain extent, aid in allaying our concerns to the fact that it is a sports bar.

Chairwoman Izaguirre asked if there were any comments in favor or against the request.

There were no comments

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Moreno moved to approve the conditional use permit as presented. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:44 p.m.**

**Ended: 5:46 p.m.**

**Item #1.7**

**CONDITIONAL USE PERMIT  
RENEWAL:**

Sale and On-Site Consumption of  
Alcoholic Beverages – Pizza Hut #33917  
2217 E. Griffin Parkway  
Lot 1, RGV Pizza Hut Subdivision  
C-3  
Muy Pizza Tejas, LLC

Mr. Jaime Acevedo went over the write-up stating the restaurant is along the north side of E. Griffin Parkway between Citrus and Glasscock Road. The existing pizzeria has been at this location since 2002. However, new ownership took over operations in 2017. A CUP for the sale and on-site consumption of alcohol was previously approved for the new operators on September 25, 2017 and requires reconsideration at this time. This Pizza Hut only offers beer, **there is 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:** 29 employees
- **Parking & Landscaping:** are existing and meet code for this existing establishment.

**REVIEW COMMENTS:** Since this operation has been in existence for over 17 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 that the CUP be approved for a period between now and March, 2020 at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairwoman Izaguirre asked if there were any comments for or against the request.

There were no comments.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the conditional use permit as per staff's recommendations. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:46 p.m.**

**Ended: 5:48 p.m.**

**Item #1.8**

**CONDITIONAL USE PERMIT  
RENEWAL:**

Sale and On-Site Consumption of  
Alcoholic Beverages – Brick Fire Pizza  
704 E. Griffin Parkway Ste. 130  
1.25 acre tract out of Lot 24-8,  
West Addition to Sharyland Subdivision  
C-3  
Brick Fire Pizza & More LLC, (c/o Steven Alaniz)

Mr. Jaime Acevedo went over the write-up stating that the property is located between Mayberry Avenue and Augusta along the south side of E. Griffin Parkway. The applicant has been in operation since September 2017 at this location and is requesting reconsideration of his CUP for the Sale and On-Site Consumption of Alcoholic Beverages for wine and beer at the proposed pizzeria. A 10,200 sq. ft. building is being shared between the pizzeria and an adult day care operation.

- **Hours of Operation:** Monday – Thursday from 11:00 a.m. to 11:00 p.m., Friday and Saturday from 11:00 a.m. to 12:00 a.m., and Sunday from 11:00 a.m. to 7:00 p.m.
- **Staff:** 5 Employees during a shift
- **Parking:** The applicant is proposing 68 total seating spaces, which requires 23 parking spaces (68 seats/1 space for every 3 seats = 23 parking spaces). It is noted that the parking area is held in common (70 existing parking spaces) with existing adult day care.
- Landscaping is existing at this commercial plaza.
- Must continue to comply with Fire and Health Codes.

**REVIEW COMMENTS:** While this is in an area that has been transitioning into a commercial area, there are some residences within 300 feet of the proposed restaurant. However, there are no churches or schools within 300' of this restaurant.

**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 were any comments in favor or against the request.

There were no comments.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Alvarez moved to approve the conditional use permit as per staff's recommendation. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:48.m.**

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

**Item #1.9**

**CONDITIONAL USE PERMIT  
RENEWAL:**

Sale & On-Site Consumption of Alcoholic  
Beverages – Los Pescadores Restaurant  
601 E. 9<sup>th</sup> Street, Suite A  
Lots 4-8, Block 165,  
Mission Original Townsite  
C-3  
Los Pescadores (c/o Eleazar Zavala)

Mr. Jaime Acevedo went over the write-up stating the subject site is located on the NE area of Business 83 and St. Marie. This CUP was originally approved on 9-9-09 and most recently approved on 09-12-16 for a period of 3 years.

- **Hours of Operation:** Everyday – 11:00a.m. to 10:00p.m.
- **Staff:** 5 full time employees
- **Parking:** Parking for this multi-unit complex includes 24 spaces that are held in common for two restaurants, and a retail outlet. Staff has not received any complaints regarding this CUP or any comments regarding parking since this business has been in operation.
- Staff has requested a report from Mission PD in regards to any incidents involving the on-site consumption of alcohol. We will have the update by the date of the meeting.
- Must continue to comply with Fire and Health requirements.

**REVIEW COMMENTS:** This restaurant has been in operation since 2009 with no complaints filed with the Planning Department. If there are no incidents reported by Mission PD, Staff does not object to another approval term.

**RECOMMENDATION:** Staff recommends approval for a period of between now and November 22, 2020 when their TABC License expires.

Chairwoman Izaguirre asked if there were any comments in favor or against the request.

There were no comments.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve the conditional use permit as per staff's recommendation. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0  
OTHER BUSINESS**

**ITEM #5.0  
ADJOURNMENT**

There being no further items for discussion, Mrs. Austin moved to adjourn the meeting. Mr. Moreno seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:59 p.m.

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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission