

**PLANNING AND ZONING COMMISSION  
MAY 13, 2020  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Javier Barrera  
Diana Izaguirre  
Debra Alvarez  
Bealinda DeForest  
Raquenel Austin  
Ruben Arcaute  
Hector Moreno

**P&Z ABSENT**

Jasen Hardisen

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Alex Hernandez  
David Flores

**GUESTS PRESENT**

Eric Fernandez  
Jorge Pascual  
Alex Ochoa  
Victor Garza  
Angelica Lopez  
Oscar Cardenas  
Anthony Becchetti  
Kyle Elliott

**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 APRIL 22, 2020**

Chairwoman Izaguirre asked if there were any corrections to the minutes for April 22, 2020. Mr. Javier Barrera moved to approve the minutes as presented. Mrs. Bealinda DeForest seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:33 p.m.**

**Ended: 5:36 p.m.**

**Item #1.1**

**Rezoning:**

**Lot 2, Leonard Subdivision  
R-4 to R-3  
Julio Abrego**

Mrs. De Luna went over the write-up stating that this site is located approximately 200' north of U.S. Expressway 83 on the east side of Inspiration Road. The lot measures 94.05' x 201.58' for a total of 18,958.60 sq.ft.

**SURROUNDING ZONES:** N: R-3 – Multi-Family Residential  
E: R-4 – Mobile & Modular Home  
W: C-3 – General Business  
S: R-3 – Multi-Family Residential

**EXISTING LAND USES:** N: Apartments  
 E: Mobile Home Subdivision  
 W: Vacant  
 S: Residential

Site: Vacant

The Future Land Use Map reflects a High Density Residential (HD) designation.

The property is in an area with a mixture of land uses. Since the lot has frontage to both Inspiration Road (major street) and to Jay Ave. (minor residential street), access to the lot would only be derived from Jay Ave.

**RECOMMENDATION:** Approval

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

Representing the applicant Mr. Eric Hernandez asked we don't have access through Inspiration Road to our property?

Ms. De Luna replied that is correct.

Mr. Hernandez mentioned the apartments just north of this lot have access through Inspiration Road, why don't we have access through Inspiration Road?

Ms. De Luna replied it's to close to the intersection.

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

**Started: 5:36 p.m.**

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

**Item #1.2**

**Rezoning: A 0.59 of an acre tract of land out of  
 Lot 264, John H. Shary Subdivision  
 AO-I to C-3  
 Terrable, LLC**

Mrs. De Luna went over the write-up stating that this site is located approximately 100' north of W. 25<sup>th</sup> Street along the west side of Shary 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: Residential  
W: Residential  
S: Residential

Site: Commercial (Feed Store)

**FLUM:** General Commercial (GC)

The land uses reflected the zoning shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation. The property has been used as commercial and has frontage to Shary Road (major street).

**RECOMMENDATION:** Approval.

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

Mr. Alex Ochoa was available to address any questions the board might have.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the rezoning as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:39 p.m.**

**Ended: 5:41 p.m.**

**Item #1.3**

**Conditional Use Permit: To Construct a New Wireless 120' Monopole Cellular Phone Tower & associated ground equipment within a 10' x 15' leased area 1419-T N. Conway Ave. Lots 11 & 12, Blk. 230, Mission Original Townsite C-3 APC Towers, c/o T-Mobile**

Ms. De Luna went over the write-up stating that this site is located near the southwest corner of W. 15<sup>th</sup> Street and Conway Blvd. T-Mobile is in the process of improving their wireless communication in this area and they are proposing to construct a 120' Monopole Tower and associated ground equipment within a 10' x 15' leased area directly behind the U-Haul Business. Currently, there are no other towers near this location. The proposed tower is outside any easements and is in compliance with the applicable building setbacks.

19 notices were mailed to property owners within a 200' radius of the site, and as of this writing (5/6/20), staff has not received any comments in favor or against the CUP.

**RECOMMENDATION:** Staff recommends approval subject to: 1) transferability to others, 2) compliance with applicable insurance requirements on telecommunications towers, and 3) acquisition of a Building Permit.

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

Representing the applicant Mr. Anthony Becchetti was available to answer any questions the board might have.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mrs. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:41 p.m.**

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

**Item #1.4**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Tradicional  
302 W. Griffin Parkway, Suite A&B  
Lot 2, Storage Depot Subdivision  
C-3  
Panamerican Investments, LLC**

Ms. De Luna went over the write-up stating that this site is located approximately ¼ west of Conway along the north side of Griffin Parkway (F.M. 495). Previously, a CUP for the sale of alcohol had been approved at this location on May 2019 for Atomix Wings & Grill. The applicant has leased the newly vacated building and desires a CUP at this location for the sale of alcohol for his proposed Mexican restaurant.

- **Hours of Operation:** Monday through Thursday from 7:00 a.m. to 10:00 p.m. and Friday & Sunday from 7:00 a.m. to 12:00 a.m., and Sunday from 7:00 a.m. to 10:00 p.m.
- **Staff:** A total of 8 employees will man the operation during different shifts.
- **Parking:** The subject site shares use of common parking for the commercial plaza within Storage Depot Subdivision. There are 46 parking spaces, meeting code for this existing mixed use as proposed.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public

hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)

- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are no residences within this radius.

**RECOMMENDATION:** Staff recommends approval subject to a 2-year re-evaluation at which time the applicant will have to renew his CUP and TABC License.

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

There was no response.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously

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

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

**Item #1.5**

**Conditional Use Permit  
Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Han's Katsuya Restaurant  
600 N. Shary Road, Suite D  
Lot 1, Esdras Vega Subdivision  
C-3  
The BAB, LLC**

Ms. De Luna went over the write-up stating that this site is located at the Northeast corner of Shary Road and 6<sup>th</sup> Street within Lot 1 of Esdras Vega Subdivision.

The applicant is requesting a Conditional Use Permit renewal for his existing restaurant. The most recent approval was on May 14, 2018 for a period of 2 years.

- **Hours of Operation:** Monday – Saturday 11:00a.m. to 9:00p.m.
- **Staff:** 4 employees and the owner
- **Parking:** Viewing the floor plan, there are 26 total seating spaces, which require parking spaces (26 seats/1 space for every 3 seats = 9 parking spaces). It is noted that the parking area is held in common (56 existing parking spaces) and will be shared with other businesses.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)

**RECOMMENDATION:** Staff recommends approval subject to a 2-year re-evaluation at which time the applicant will have to renew his CUP and TABC License.

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

There was no response.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously

**Started: 5:47 p.m.**

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

**Item #1.6**

**Conditional Use Permit**

**Renewal:**

**Manufacturing & Packaging of Ice Cream**

**and Chicharrones in a C-3 Zone**

**204 W. Tom Landry**

**Lots 3-6, Block 175,**

**Mission Original Townsite**

**C-3**

**Jorge Pascual**

Ms. De Luna went over the write-up stating that this site is located on the NE corner of Perkins and Tom Landry. The applicant is proposing to renew his CUP to manufacture, process, package, and store ice cream and chicharrones within his existing C-3 ice cream business. The CUP was last approved on April 10, 2017 for a period of 3 years.

The Zoning Code requires the "manufacturing...processing, packaging of food products" to be done within an I-1 (Light Industrial Zone). However, any I-1 permitted use may be permitted within a C-3 with a CUP (Zoning Code, Art. VIII, Sect. 1.43 (3)(i).

The applicant utilizes only 1 frying machine for the chicharrones and 1 machine for making the ice cream. Once the products are packaged, the chicharrones are stored within the same building, while the ice cream is stored in their existing freezer building.

- **Hours of operation:** Monday – Friday from 8am to 4pm. Saturdays & Sunday closed.
- **Staff:** There are 6 employees operating the business.
- **Parking:** The applicant has remodeled the site and made site improvements, improving the existing ice cream business. There are 24 parking spaces to accommodate customers and their delivery trucks. The applicant has also installed buffer fencing along Tom Landry which aids in screening the ice cream delivery trucks from the public view.
- Must continue to comply with all Building, Fire, Health, and Sign Codes.

**REVIEW COMMENTS:** Staff has noticed that the applicant has continued to make improvements over the years at this location to improve the aesthetics of this business. Staff has not received any comments for or against this proposal.

**RECOMMENDATION:** Staff recommends approval for 3 years subject to continued compliance with all Building, Fire, Health, and Sign Codes.

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

Mr. Jorge Pascual asked if they could consider him getting life of use.

Ms. De Luna stated if the board is receptive to approve it for life of use, staff does not have any objection.

Mrs. Debra Alvarez asked how long has he been in operation?

Mr. Pascual replied since 1996.

Ms. De Luna mentioned with this business he's been there for a long time, but with the manufacturing not too long.

Mrs. Alvarez stated let's give him life of use subject to not being transferable to others.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raqueneel Austin moved to approve the request for life of use as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously

**Started: 5:49 p.m.**

**Ended: 5:51 p.m.**

**Item #1.7**

**Conditional Use Permit**

**Renewal:**

**Auto Mechanic Shop in an AO-I Zone**

**1603 Adams Street**

**A .85-acre tract of land out of Lot 23-1,**

**West Addition to Sharyland Subdivision**

**AO-I**

**Marco A. Hinojosa, Sr**

Ms. De Luna went over the write-up stating that this site is located 105' north of W. 18 Street along the west side of Adams Street. The site currently has an existing masonry building with four bays for auto mechanic work. The applicant is proposing to renew his conditional use permit for the auto mechanic shop. This CUP was last approved on May 8, 2017 for a period of 3 years. Access to the site is from Adams St.

- **Days / Hours of Operation:** Monday – Saturday from 8a.m. to 6:00p.m.
- **Staff:** 2 employees will run the shop
- **Parking:** There is a large asphalt area available for customer parking. There is enough room for 10+ to be parked on site.
- Must continue to comply with Fire and Building Codes.

**REVIEW COMMENTS:** This mechanic shop is in the midst of a residential neighborhood and has been for several years. Staff sent notices to property owners within 200' of the site and has not received any complaints in regards to the shop.

**RECOMMENDATION:** Staff recommends approval for another 3 years subject to: 1) completely buffer the auto shop and 2) continuing to comply with all Fire & Building codes.

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

There was no response.

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

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

**Ended: 5:54 p.m.**

**Item #1.8**

**Conditional Use Permit  
Renewal:**

**To keep 2 Portable Buildings for Office  
Use on property zoned AO-I to be used  
in conjunction with a Construction Materials  
Storage Yard  
11-acre tract of land situated in Portion No. 55,  
And being out of and part of Lot 13-6,  
West Addition to Sharyland Subdivision  
AO-I  
VMK Materials, LLC (c/o Victor Garza)**

Ms. De Luna went over the write-up stating that this site is located approximately 1 mile south of U.S. Expressway 83 along the west side of Conway Boulevard (S.H. 107). The irregular site measures a total of 11 acres. The applicant is requesting to renew his conditional use permit and would like the Board to consider approving the request for another 12 months to complete the project.

The applicant has been contracted by an outside contractor to work on the levee improvements project and there has been a delay on acquiring easements and notice to proceeds therefore the need to request more time.

**REVIEW COMMENTS:** The applicant has complied with staff's previous recommendations and once the project is complete or contract expired this area would be cleared completely. 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) Re-evaluation of this CUP in 1 year to assess this new operation.

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

Mr. Victor Garza was available to address any questions the board might have.

There was none.

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

**Started: 5:54 p.m.**

**Ended: 5:57 p.m.**

**Item #1.9**

**Conditional Use Permit  
Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Kalos Salon De Eventos  
1516 E. Expressway 83, Ste. 5K  
Lots 5J, 5K, & 5L, Stewart Plaza Subdivision  
C-3  
Corinthian Kalos Investors LTD.**

Ms. De Luna went over the write-up stating that this site is located 400' south of U.S. Expressway 83 along the west side of Stewart Road within a commercial plaza. The 9,240 sq.ft. social events center was most recently approved on May 14, 2018 for a period of 2 years.

- **Hours of Operation:** These events typically take place during evening hours from approximately 6p.m. to 2a.m., primarily on Fridays and Saturdays.
- **Staff:** 6 staff
- **Parking:** There are currently 170 existing parking spaces. The required parking for the event center is 58 (5,842sq.ft.(dance floor)/1 space per 100 sq. ft. = 58.4). The parking area is held in common at this development. This business also shares the parking with The Corinthian, which requires 70 parking spaces, thus requiring a minimum of 128 spaces for the two businesses. Since most activities are held at later hours and on weekends, there hasn't been any issues with parking.
- **Sale of Alcohol:** Section 1.56 (3a) of the Zoning code requires such uses to be 300' from residential areas. There is a residential subdivision within this radius (Legends at Cimarron); P&Z and City Council waived this separation requirement in the CUP's previous approval.
- Must continue to comply with Fire and Health Codes.

**REVIEW COMMENTS:** Staff requested a report from Mission PD in regards to the sale and on-site consumption of alcohol. Since this CUP was last seen, there have been no calls to PD from this location.

**RECOMMENDATION:** Staff recommends approval subject to a waiver of the 300' separation requirement from the residential neighborhood (*Legends at Cimarron*) and that this CUP be approved for a period of 2 years at which time their CUP and TABC license will need to be renewed.

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

There was no response.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcuate moved to approve the request as per staff's recommendation. Mrs. Bealinda DeForest seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0  
OTHER BUSINESS**

**ITEM #3.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mr. Javier Barrera seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:57 p.m.

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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission