

**PLANNING AND ZONING COMMISSION
JULY 22, 2020
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Hector Moreno
Diana Izaguirre
Debra Alvarez
Ruben Arcaute
Bealinda Deforest
Jasen Hardisen
Javier Barrera
Raquenel Austin

P&Z ABSENT

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Diana Zapata

GUESTS PRESENT

Karina Martinez
Jaime Morales
Sharon Elison
Carlos Ventura
Brenda Fernandez
Jose M. De La Garza

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 JUNE 24, 2020

Chairwoman Izaguirre asked if there were any corrections to the minutes for June 24, 2020. Mr. Ruben Arcaute moved to approve the minutes as presented. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:36 p.m.

Item #1.1

Rezoning:

**A 0.61 acre tract of land,
more or less out of Lot 17-12,
West Addition to Sharyland
R-1 to C-1
Karina Martinez**

Ms. De Luna went over the write-up stating that this site is located approximately 700' North of U.S. Expressway 83 frontage off of Stewart Road along the west side of Stewart Road.

SURROUNDING ZONES: N: R-4 – Mobile & Modular District
E: R-1T – Townhouse Residential

W: R-1T & R-1 – Townhouse Residential & Single Family
S: R-1T – Townhouse Residential

EXISTING LAND USES: N: W& I Resort Mobile Home Park
E: Townhomes
W: Single Family Residential
S: Townhomes

Site: Vacant

FLUM: High Density Residential (HC)

REVIEW COMMENTS: The Future Land Use Map reflects a High Density Residential (HC). The predominate land uses in this area are Mobile & Modular Homes (R-4) and Townhouses (R-1T). Staff feels that surrounding the area to Office Use would have a detrimental effect on an area that has long been for Mobile Homes and Townhouses. Changing the zone to C-1 would also be spot zoning since there is no office use in the immediate area.

The applicant purchased this property to be used as an insurance office. 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 the proposed rezoning.

RECOMMENDATION: Based on the future land use map designation for this area staff recommends denial of C-1.

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

Mrs. Karina Martinez was available to answer any question the board might have.

Chairwoman Izaguirre mentioned spot zoning is not allowed in the City of Mission it's actually a state charter. If you need more information on spot zoning staff can get that information for you. Chairwoman Izaguirre added there's other options you could do with your property.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Started: 5:36 p.m.

Ended: 5:52 p.m.

Item #1.2

Conditional Use Permit: Sale & On-Site Consumption of Alcoholic Beverages in the Patio Area – Whistling Duck
1603 E. Griffin Parkway
Lots 10 & 11, Block 3,
Shary Gardens Subdivision
C-3
Whistling Duck, Inc

Ms. De Luna went over the write-up stating that this site is located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). The applicant has been in operation at this location for 2 years now and would like to expand their current CUP to include an outdoor patio, which would offer their customers an alternative to enjoy a meal and beverage in an open-air environment. The applicant has received approval from landlord and TABC to use a concrete pad located outside as an outdoor patio. This area would be fenced in and gated. It would have picnic tables with umbrellas and they are proposing to install additional lighting.

- **Hours of Operation:** Sunday from 10 a.m. to 6 p.m., Monday - closed, Tuesday & Wednesday from 4 p.m. to 11 p.m., and Thursday - Saturday from 4:00 p.m. to 12:00 a.m.
- **Staff:** 10 employees during different shifts.
- **Parking:** The subject site has a total of 170 total seating spaces, which require 57 parking spaces (170 seats/1 space for every 3 seats = 56.7 parking spaces). It is noted that this location has 116 parking spaces plus 3 stacking spaces at a drive-thru service window for a total of 119 parking spaces, which exceeds code by 1.
- **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 some residences within this radius); thus, a waiver of the separation requirement needs consideration.

Staff has received several calls in opposition to this request. The concerns voiced are in regards to noise, sharing of the patio with the adjacent business; being detrimental to his business as it will give the wrong impression to his customers.

RECOMMENDATION: Staff recommends denial of the expansion.

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

Mrs. Sharon Ellison addressed the board in opposition to the CUP. She mentioned she lived behind the establishment, and that this item should not be on this agenda at this time especially during a corona virus emergency situation. She added that area is too

small for what he's proposing. The businesses in that area take care of children and serving alcohol outside should not be allowed. This place has been nothing but a nuisance to me. This is not a proper business plaza for a bar.

The Applicant Mr. Jaime Morales stated that he would like to have a patio area outside in front of my business. I contacted the landlord and he gave me permission to do it. I also contacted TABC in respect to building my patio they said yes as long as I have a gate control entrance and exit. Mr. Morales added in respect to his neighbors there was one I couldn't get a hold of and the other one is my landlord. We were not proposing to have live music and the speakers outside could easily be removed if needed. We haven't had any complains or issues only from one neighbor.

Mrs. Debra Alvarez asked didn't we ask you to remove the speakers last year?

Mr. Morales stated I don't recall the city asking me to remove them, but removing them is not a problem.

Chairwoman Izaguirre asked Ms. De Luna you mentioned we got several calls in opposition do we have names of the callers?

Mrs. De Luna replied one of the calls was Mrs. Ellison, and the other one was from Leal Development who is his neighbor and in opposition that Mr. Morales uses his portion of his patio. The other caller was anonymous and his concerns were noise, and consuming alcohol outside.

Mr. Morales stated if the development company is in opposition, I wasn't aware since he never called me back.

Mr. Javier Barrera asked what you want to enclose is the squared area adjacent to the parking?

Mr. Morales replied "yes" that is correct.

Chairwoman Izaguirre stated so if you want to walk into your establishment, you have to go through the fenced area.

Mr. Morales stated "yes". Mr. Morales added I would like to contact Leal Development to let him know what I want to fence in since he is the one to be affected by this. If he is still in opposition then I will remove my request.

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

Started: 5:52 p.m.

Ended: 5:55 p.m.

Item #1.3

Conditional Use Permit: Drive-Thru Service Window
- **EI Tropical**
708 N. Inspiration Road, Ste. 1
Lot 1, Rivalsebas Subdivision
Subdivision No. 9, Ph. I
C-3
Brenda Fernandez

Ms. De Luna went over the write-up stating that this site is located 400' south of E. Expressway 83 Frontage Road along the east side of Inspiration Road. The drive-thru service window is along the west end of the commercial plaza. Access to the site is from a 24' driveway from Inspiration Road. A CUP for this location was last approved by P&Z on August 14, 2019 for a period of one year. Since the use is not transferable to others the applicant would like to apply for her own permit.

- **Hours of Operation:** Monday thru Sunday from 2:00 p.m. to 10:00 p.m.
- **Staff:** 1-2 employees will run the business.
- **Parking:** Parking is held in common at this location and exceeds code.
- **Landscaping:** The commercial plaza is under construction but their landscaping plan is in compliance with code.

REVIEW COMMENTS: The drive-thru service window allows for 5 vehicles to be easily stacked. 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 subject to: 1) 1-year re-evaluation to assess this new operation, 2) Must comply with all Fire, Health, Building, and Sign Code requirements, and 3) Acquire 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. Mrs. Raquene Austin moved to approve the request as per staff's recommendation. Mrs. Bealinda Deforest seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:52 p.m.

Ended: 5:55 p.m.

Item #1.4

Conditional Use Permit: Drive-Thru Service Window
- **Kayla Coffee Company**
2138 E. Griffin Parkway

**Lot 20, Block 2, Springfield Ph. I Subdivision
C-3
Carlos Ventura**

Ms. De Luna went over the write-up stating that this site is located on the southwest corner of Helen Avenue and E. Griffin Parkway along the south side of Griffin Parkway. The applicant currently has a small coffee shop within his Medical Supply Business and would like to have a drive-thru service window for his coffee shop. The site has an access point off of Helen Avenue. Drive-thru customers would use the Helen Avenue access in order to utilize the drive-thru service window and exit either to parking lot or Helen Avenue. The location of the window allows for enough stacking for at least 3 vehicles.

- **Days/hours of operation:** Monday – Sunday from 6:00 a.m. to 10:00 p.m.
- **Staff:** 2 employees
- **Parking:** It is noted that the parking area is held in common (76 existing parking spaces) and will be shared with other businesses.
- A speed bump will be required as they exit the drive-thru.

RECOMMENDATION: Staff recommends approval subject to: 1) 1-year re-evaluation to assess this new operation, 2) Must comply with all Fire, Health, Building, and Sign Code requirements, and 3) Acquire 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. 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: 5:58 p.m.

Ended: 5:58 p.m.

Item #1.5

Conditional Use Permit

Renewal:

Home Occupation – Licensed Home Day Care

311 W. Leo Najo, Apts. A & B

The West ½ of Lots 1 and 2, Block 103,

Original Townsite of Mission

R-1

Jose De La Garza

No Action taken

Started: 5:58 p.m.

Ended: 6:10 p.m.

Item #1.6

Discussion and Action to Adopt an Ordinance to Regulate or Ban Short Term Rentals

No Action taken

Started: 6:10 p.m.

Ended: 6:10 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

**El Crucero Subdivision
Being a 20.5 acre tract of land out of
all of Lot 1 & the South 2 ½ acres of Lot 2,
Block 11, & a 8.0 acre tract of land, more or
less, out of Lots 33 & 34, Block 11,
Texan Gardens Subdivision
Rural ETJ
Developer: Pena Chapa Development
Engineer: South Texas Infrastructure Group**

No Action taken

**ITEM #2.0
OTHER BUSINESS**

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mr. Jasen Hardisen moved to adjourn the meeting. Mrs. Bealinda Deforest seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:10 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission