

**PLANNING AND ZONING COMMISSION
AUGUST 26, 2020
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Debra Alvarez
Ruben Arcaute
Javier Barrera
Raquenel Austin

P&Z ABSENT

Bealinda Deforest
Jasen Hardisen
Hector Moreno

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Juan P. Terrazas

GUESTS PRESENT

Gilbert Garza
Anna L. Botello
Jorge Rodriguez
Elida Rodriguez
George Willett
Victor Trevino
Jose De La Garza
Nida Espinoza
Martin Garza
Robert Valenson

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 JULY 22, 2020

Chairwoman Izaguirre asked if there were any corrections to the minutes for July 22, 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: 5:37 p.m.

Ended: 5:46 p.m.

Item #1.1

Rezoning:

**Lot 3, Sunset Addition No. 2 Subdivision
R-1 to R-2
R-1 to R-2
Anna Lisa Botello**

Ms. De Luna went over the write-up stating that this site is located approximately 180' from the NW corner of Los Ebanos Road and Charles Street, along the north side of Charles Street.

SURROUNDING ZONES:

N: C-3 – General Business
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential

S: R-1 – Single Family Residential

EXISTING LAND USES:
Park

N: Robles Fence & Los Ebanos Mobile Home

E: Residential

W: Residential

S: Residential

Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. The predominate land use in this area is mainly residential. Staff notes that there are two other properties that have more than one structure in the lot but have been in existence prior to being annexed to the City in 1974. Based on the future land use map designation staff cannot support this request.

RECOMMENDATION: Denial.

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

Mr. Robert Valenson addressed the board in opposition to the rezoning. He mentioned my family has lived here for 20 years. This property has been a single family residential quite neighborhood, and I would like for it to stay that way.

The applicant Mrs. Anna Botello stated I am the owner of this property, I got the surrounding signatures in favor of me rezoning this property for a duplex. I understand Mr. Valenson concerns however, Mr. Valenson does not live here. Mrs. Botello added so I don't know what his concerns are.

Mr. Valenson stated I come down every 3 to 6 months out of the year, I run a business in New York State and when the weather is ugly I come down.

Mrs. Debra Alvarez stated I know we went over this item in the last meeting, but can we go over what is being proposed?

Ms. De Luna stated what is being proposed is a duplex for her and the other to rent. If we allow this rezoning it would be considered spot zoning. Ms. De Luna added this area is all Single Family Residential only.

Vice Chairman Barrera asked if the board had any questions.

There was none.

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

Started: 5:46 p.m.

Ended: 5:48 p.m.

Item #1.2

**Conditional Use Permit: A 0.097 acre out of
Lot 1, Kirk Subdivision
R-1 to C-3
Jorge & Elida Rodriguez**

Ms. De Luna went over the write-up stating that this site is located approximately 95' south of E. 28th Street along the west side of Shary Road (F.M. 494).

SURROUNDING ZONES:

N:	R-1 – Single Family Residential
E:	R-1 – Single Family Residential
W:	R-1 – Single Family Residential
S:	C-3 – General Commercial

EXISTING LAND USES:

N:	Residential
E:	Residential
W:	Residential
S:	Vacant Commercial
Site:	Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. Although the FLUM shows a Low Density Residential (LD) designation, staff notes the FLUM can be amended to reflect the C-3 use. C-3 is an expected zone with frontage to Shary Road (F.M. 494) and will be an extension of the existing commercial zoning to the south. With proper buffering, C-3 should not be detrimental to the residential area. 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: Staff does not object to extending the C-3 zone a little further.

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

There being no discussion, Vice Chairman 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: 5:48 p.m.

Ended: 5:50 p.m.

Item #1.3

Rezoning:

**A 0.097 acre out of
Lot 1, Kirk Subdivision
C-3 to R-1
Jorge & Elida Rodriguez**

Ms. De Luna went over the write-up stating that this site is located approximately 95' south of E. 28th Street along the west side of Shary Road (F.M. 494).

SURROUNDING ZONES:

N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: C-3 – General Commercial

EXISTING LAND USES:

N: Residential
E: Residential
W: Residential
S: Vacant Commercial
Site: Vacant

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. The applicant proposed to utilize this property to give access to the residential property.

RECOMMENDATION: Approval. 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. Raquanel 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: 5:50 p.m.

Ended: 5:53 p.m.

Item #1.4

Rezoning:

**A 0.40 acre of land out of the North
6.89 acres of the South 13.78 acres,
Lying South and West of the Mission
Main Canal, Lot 23-3, West Addition to
Sharyland Subdivision
AO-I to R-2
Nidia Espinoza**

Ms. De Luna went over the write-up stating that this site is located in the area of Los Ebanos Road and Rankin Street on the East side of Los Ebanos Rd.

SURROUNDING ZONES: N: AO-I Agriculture Open Interim
E: R-1 Single Family Residential
W: R-1 Single Family Residential
S: R-1 Single Family Residential
Site: The site currently has a single-family home

EXISTING LAND USES: N: Single Family Home
E: Single Family Home
W: Single Family Home
S: Vacant Land

FLUM: The FLUM shows a Low Density Residential (LD) designation.

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. Staff feels that surrounding the area with a Duplex Fourplex would have a detrimental effect on an area that has long been for Single Family Residential. Changing the zone to R-2 would also be spot zoning since there are no apartments in that area.

RECOMMENDATION: Staff recommends denial.
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: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.5

**Rezoning: A 0.39 of an acre tract of land,
Being a portion of Lot 23-3,
West Addition to Sharyland Subdivision
R-1 to R-2
Robert Ontiveros**

Ms. De Luna went over the write-up stating that this site is located in the area of Los Ebanos Road and Rankin Street on the East side of Los Ebanos Rd. The lot fronts Los Ebanos Road.

SURROUNDING ZONES: N: AO-I Agriculture Open Interim
E: R-1 Single Family Residential

W: R-1 Single Family Residential
S: R-1 Single Family Residential
Site: The site currently has a Single-Family home

EXISTING LAND USES: N: Single Family Home
E: Single Family Home
W: Single Family Home
S: Vacant Land

FLUM: The FLUM shows a Low Density Residential (LD) designation.

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. Staff feels that surrounding the area with a Duplex Fourplex would have a detrimental effect on an area that has long been for Single Family Residential. Changing the zone to R-2 would also be spot zoning since there are no apartments in that area.

RECOMMENDATION: Staff recommends denial.

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: 5:55 p.m.

Ended: 5:57 p.m.

Item #1.6

Rezoning: A .65-acre tract of land out of Lot 17-10,
West Addition to Sharyland Subdivision
AO-I to C-3
Lasco Development, Corp.

Ms. De Luna went over the write-up stating that this site is located at the NW corner of Bryan Road and E. Expressway 83 along the north side of the Expressway 83.

SURROUNDING ZONES: N: C-3 General Business
E: C-3 General Business
W: C-3 General Business
S: C-3 General Business
Site: The site currently is vacant

EXISTING LAND USES: N: City's lift station
E: Jack in the Box

W: Colair, Inc. & PPG Paints
S: Mission Regional Medical Center

FLUM: The FLUM shows a General Commercial (GC) designation.

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff recommends approval.

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: 5:57 p.m.

Ended: 5:59 p.m.

Item #1.7

**Conditional Use Permit: Sale of Gasoline at 7 Eleven
1327 E. Expressway 83
Being a 0.88 tract of land out of
Lot 11, Heritage Commercial Plaza Subdivision
C-3
Lasco Development, Corp.**

Ms. De Luna went over the write-up stating that this site is located at the NW corner of Bryan Road and E. Expressway 83 along the north side of the Expressway 83. The applicant desires to build a 4,842 sq. ft. 7-Eleven convenience store where the sale of gasoline will be made available. They are proposing to have 8 self-serve gas pumps. 7-Eleven has been in the convenience retailing industry for many years now. Since a CUP is required the sale of gasoline, 7-Eleven has applied for a CUP at this site which is still in the design phase. We have received plans for review and construction will commence in the next few weeks. We will likely see more of these CUP request from 7-Eleven in the months to come as they make their way back into Mission.

- **Hours of Operation:** Open every day for 24 hours, 7 days a week
- **Staff:** Approximately 8 employees
- **Parking & Landscaping:** The project is in the design phase. However, prior to issuance of Building Permit, Staff will ensure that parking and landscaping are meeting code.

RECOMMENDATION: Since dealing with a franchise that has a history of successfully selling gasoline, staff recommends approval of this Conditional Use Permit request for life of use, subject to not being transferable to others.

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: 5:59 p.m.

Ended: 6:04 p.m.

Item #1.8

**Conditional Use Permit: Daycare Center in a Residential Zone
311 W. Leo Najo, Apts. "A" & "B"
The West ½ of Lots 1 & 2, Block 103,
Mission Original Townsite Subdivision
R-1
Jose M. De La Garza**

Ms. De Luna went over the write-up stating that this site is located at the SE corner of Cummings and Leo Najo Street along the south side of Leo Najo. The applicant owns a triplex on property zoned R-1. Currently, one of the units is rented out and the applicant remodeled a large portion of apartments A & B for the child care services. They currently have a CUP for a home occupation – licensed home daycare that was approved back in October 22, 2018. Since the applicant does not want to reside at the triplex. Section 1.56-g of the Zoning Code requires the owner to obtain 90% signatures of approval from the surrounding property owners within a 200' radius. The owner was able to obtain signatures of approval for 90% of the surrounding property owners within the 200' radius, thus compliant to code.

- **Days / Hours of operation:** Monday – Friday from 5:00 a.m. to 9:00 p.m., and Saturday 7:00 a.m. to 2:00 p.m.
- **Staff:** The applicant and 2 other employees, thus in compliance to code.
- **Parking:** There are 6 parking spaces to be shared between the tenants and the applicant.
- Must obtain DHS certification, which will assign the maximum number of children to be cared for.
- Must comply with Sec.1.56-1, Zoning Code (home occupations regs.), inclusive of any signage being a maximum of 1' X 1' and must be attached to the home.
- There shall be no other indication of a registered home on the property, other than the 1' x 1' sign.

REVIEW COMMENTS: The City has approved other similar requests for this type of use throughout the years without incidents. Since the applicant has obtained 90% of the signatures and has complied with all requirements staff does not object to the request.

RECOMMENDATION: Approval for 1-year subject to:

1. Must comply with a minimum of 90% support from the mail out radius;
2. Must comply with DHS Certification; and
3. Must comply with Sect. 1.56-1 of the Zoning Ordinance.

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: 6:04 p.m.

Ended: 6:06 p.m.

Item #1.9

**Conditional Use Permit: Construct a Duplex on a
(R-1) Single Family Residential Zone
1013 N. Francisco Street
Lot 10, Blk. 170, Mission Original Townsite
R-1
Gilbert Garza**

Ms. De Luna went over the write-up stating that this site is located approximately 150' north of E. Tom Landry on Francisco Avenue.

The request before the board is to construct a duplex on a residential lot. Based on Ordinance #4849 a property owner can apply for a conditional use permit without having to change the zone of the property only if they meet a certain criteria which includes: 1) must be a corner lot, or 2) must be adjacent to an existing duplex, triplex, or fourplex, 3) vacant property cannot be between two single family residences, and 4) on a case by case basis.

REVIEW COMMENTS: The applicant meets the criteria to apply for a conditional use permit since his property is adjacent to a duplex. The applicant will be living in one of the units and his father in the other to have a better control and maintenance of the units.

RECOMMENDATION: Approval.

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: 6:06 p.m.

Ended: 6:08 p.m.

Item #2.0

**Preliminary & Final
Plat Approval**

**Replat of Heritage Square Subdivision
Unit 1, Lots 1A, and 2A
Being All of Lots 1, 2, and 3 out of
Block J, and Lot 7 out of Block K,
Heritage Square Subdivision Unit 1
R-4**

Developer: Heritage Square Recreation, Inc.

Engineer: Melden & Hunt

PLAT DATA

The proposed re-plat is located within Heritage Square Unit 1 Subdivision

The subdivision consists of 3 existing Mobile & Modular Homes lots and 1 Recreation Center that will be divided into 2 lots. There is a utility easement that runs west to east between lot 1 & lot 2 of Block J that will be abandoned by this Re-plat.

UTILITIES

When Heritage Square Unit 1 Subdivision was first subdivided, there were water and sewer services provided for each lot. A field visit revealed that each lot has its own water, sewer, and electrical connection. There is a 8" sewer line along the rear of the existing lots providing services to each lot. Also, lot has its own water and electrical meter.

STREETS & STORM DRAINAGE

This is simple a re-plat, Storm drainage exists of surface runoff from the Lots into existing streets. Runoff from streets is piped into a Hidalgo County Drainage District No. 1 drain ditch "C" ultimately discharges into the South Mission Lateral.

OTHER COMMENTS

- Heritage Square Unit 1 Subdivision is already excluded from the water district.
- Must comply with all other format findings.
- Street lighting already exists.

RECOMMENDATION: Staff recommends approval subject to complying with all typical format findings and recording of Restrictions.

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: 6:09 p.m.

Ended: 6:11 p.m.

Item #3.0

**Preliminary & Final
Plat Approval**

Las Comadres No. 8

**Being a 59.34 acre tract of land,
more or less, out of Block 16, Texan Gardens
ETJ**

Developer: Carlos Leal

Engineer: South Texas Infrastructure Group

PLAT DATA

The proposed subdivision is at the NW Corner of Abram Road and Mile 6 Road (Mission Suburban ETJ)—see vicinity map. The developer is proposing (98) ninety-eight Single Family Residential lots — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 6" water line located along south side of Charro Street within West Mission Estates No. 2 to provide water service to each lot. There are no fire hydrants provided for this Rural E.T.J. Subdivision.

SEWER

Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the county's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN.

STREETS & STORM DRAINAGE

All internal streets are 32' Back to Back within a 50' Right of Way. Access will be from Charro Street. The proposed drainage system shall consist on the installation of an internal storm sewer system with 16 Inlets within the streets to collect surface runoff from the lots and streets. Storm Pipes ranges from 18" to 48" and will consist of a proposed outfall to a regional detention pond, will be dedicated to the Hidalgo County Drainage District #1 by Carrizales Subdivision. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION:

Staff recommends approval subject to meeting the Model Subdivision Rules, complying with the street alignment policy and meeting any comments from the County Planning Department

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: 6:11 p.m.

Ended: 6:14 p.m.

Item #4.0

**Preliminary & Final
Plat Approval**

**Hidden Hills Estate Subdivision
Being a 15.052 acre tract of land, out of
Lot 20-4, West Addition to Sharyland Subdivision
R-2
Developer: Luis Valencia
Engineer: Melden & Hunt, Inc.**

PLAT DATA

The proposed subdivision is located in the NW Corner of Perez St. and Holland Ave. The developer is proposing 39 Duplex – Fourplex Residential lots.

WATER

An internal 8" water line system will provide service to all lots with fire hydrants to be installed via direction from the Fire Marshal's office. The system will be looped by connecting the internal 8" water lines from Holland Road and Perez St.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 12" sanitary sewer line within Perez Street. This connection will require an open cut to the street. There are no other sewer lines that are accessible for a connection for this property. Once the open cut is complete and new overlay measuring 25' on each side of the cut (50' total)_will be required as per City's Street cut policy. The Capital Sewer Recovery fee will be imposed as required by Ordinance #4310. The fee for Every Duplex is \$330 and the fee imposed for a Fourplex is \$670. The fee will need to be paid prior to permit issuance.

STREETS & STORM DRAINAGE

The subdivision abuts Holland Ave. which is an 80' R.O.W., Future 57' B-B street according to the MPO THOROUGHFARE Plan. The current width of the street pavement is 44'. The widening cost for Holland Ave. will be required for the remaining 6.5' to each

side. Also, the developer needs to widen Perez St. to a full 32' B-B Street. It's currently it's a 24' curb to edge street. All internal streets are 40' Back to Back within a 60' Right of Way. The proposed drainage for this subdivision shall consist of surface runoff into the proposed streets and collected by Type "A" Inlets located within the subdivision. The pipe size diameters shall range from 24" to 42". Storm system shall discharge into a proposed detention pond along the north west boundary of the subdivision into a dedicated lot. The detention pond will be mechanically pumped into an existing City of Mission side ditch system along the south right of way of Business 83. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Escrow Park fees (39lots x \$500 = 19,500.00)
Installation of Street Lighting as per City Standards
Install sidewalks along Holland Ave.
Water District exclusion will be required.

RECOMMENDATION

Staff recommends approval subject to:

1. Approval of the open cut to Perez St.;
2. Requiring an outfall for storm drainage;
3. Payment of the sewer capital recovery fee's;
4. Widening of Holland Ave. and Perez St.;
5. Provide the water district exclusion; and
6. Comply with any other format finding

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.

ITEM #5.0

OTHER BUSINESS

ITEM #6.0

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

