

**PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2020
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Debra Alvarez
Ruben Arcaute
Javier Barrera
Raqueneel Austin

P&Z ABSENT

Bealinda Deforest
Raqueneel Austin

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez

GUESTS PRESENT

Glenda Gaona
Abiu O. Duran
Miguel Del Angel
Diana Guerrero
Margie Briseno
Jaime Cepeda
Morgan Hamer

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 AUGUST 26, 2020

Chairwoman Izaguirre asked if there were any corrections to the minutes for August 26, 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: 5:35 p.m.

Ended: 5:42 p.m.

Item #1.1

Rezoning:

**The South 7.94 acres of Lof 27-5,
West Addition to Sharyland Subdivision
AO-I to R-2
Glenda Gaona**

Ms. De Luna went over the write-up stating that this site is located approximately ½ Mile North of W. Griffin Parkway (FM 495) along the east side of Holland Road.

SURROUNDING ZONES:

N: AO-I – Agricultural Open Interim
E: R-4 – Mobile & Modular Home Residential
W: R-4 – Mobile & Modular Home Residential
S: AO-I – Agricultural Open Interim

EXISTING LAND USES:

N: Vacant Agricultural

E: Wagon City South MH Park
W: Abbott Manor MH Park
S: Vacant Agricultural
Site: Vacant Agricultural

FLUM: Low Density Residential (LD)

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 considered spot zoning since there are no apartments in that area.

RECOMMENDATION: Denial.

Chairwoman Izaguirre asked if the board had any questions.

Mr. Morgan Hamer addressed the board, Mr. Hamer stated I live in wagon city there's a water easement along the west side of wagon city. Do we still have access from Holland to that easement?

Ms. De Luna stated "yes" it's along the south side of the property.

Chairwoman Izaguirre asked what do they want to build?

Ms. De Luna stated they want to rezone the property to build two or four apartments.

Chairwoman Izaguirre stated did we explain to the applicant what spot zoning is?

Ms. De Luna replied "yes" but they still wanted to proceed with the rezoning request.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardisen 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: 5:43 p.m.

Ended: 5:53 p.m.

Item #1.2

Rezoning:

**A tract of land out of Lots 9 & 10,
Block 195, Oblate Addition
R-1 to R-3
Quepos Family Limited Partnership**

Ms. De Luna went over the write-up stating that this site is located on the southwest corner of Mayberry Road and E. 13th Street along the south side of E. 13th Street.

SURROUNDING ZONES:

N:	R-1	– Single Family Residential
E:	R-2	– Duplex-Fourplex Residential
W:	R-1	– Single Family Residential

S: R-1 – Single Family Residential

EXISTING LAND USES:

N: Single Family Residential
E: Speer Memorial Library
W: Single Family Residential
S: Single Family Residential
Site: Apartments

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. In October 2006, the City Council did a mass rezoning for this area and the line of demarcation between residential and apartments is Mayberry Road. The applicant can remodel the existing apartments but won't be able to tear down and reconstruct unless the rezoning is approved. 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-3 would also be considered spot zoning since there are no other apartments in that area.

RECOMMENDATION: Denial.

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

Mrs. Cynthia Camacho addressed the board. Ms. Camacho stated I live at 711 E. 13th Street right in front of the apartment. Mrs. Camacho added are they applying to build new apartments or to remodel.

Ms. De Luna stated the property is currently zoned Single Family Residential, those apartments are already there, they can remain as is or remodel but cannot demolish and reconstruct. Ms. De Luna added in this case they want to rezone to demolish and reconstruct more than what is existing.

The applicant Mr. Miguel Del Angel addressed the board. Mr. Del Angel stated the reason for my rezoning is to make the area look nicer. We updated some of our apartments located on highland park, that were equal or in worse condition than these.

Ms. Camacho stated your going from eight apartments to four.

Mr. Del Angel stated "no" we will keep it as eight apartments, but updated to nicer apartments.

Mrs. Debra Alvarez stated if we approve this item it will be considered spot zoning.

Ms. De Luna stated they can remodel the apartment complex but, can't change the zone.

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

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.3

**Conditional Use Permit Renewal: Keep a Portable Building for Educational Purposes
511 W. 11th Street
Lots 1 & 2, Blk. 178, Mission Original Townsite
Agueda P. Aguinaga**

Ms. De Luna went over the write-up stating that this site is located 200' west of Kika De La Garza Loop along the south side of W. 11th Street. This site has a 73' x 20' portable building that is currently being used for educational purposes. A CUP was last approved for this location on August 12, 2019 for a period of 1 year. Mrs. Aguiñaga is requesting to renew her conditional use permit. Access to the site will be strictly off W. 11th Street.

- **Hours of Operation:** Monday – Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m., Closed Sundays.
- **Staff:** 2 employees will operate the business
- **Parking & Landscaping:** A business office of this size requires a minimum of 4 parking spaces. The applicant has 4 spaces adjacent to the portable building.

REVIEW COMMENTS: It is common for schools to use temporary buildings for classrooms or educational purposes. Staff has not received any comments in favor or against the portable building. While the use of portable buildings is allowed via a CUP, the intent is for the use to be temporary and that there eventually be a transition into a permanent building.

RECOMMENDATION: Approval subject to:

- 1.) 1 yr. re-evaluation in order to assess business; and
- 2.) Comply with all Building, Fire Codes; Sign, and landscaping codes.

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

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Started: 5:55 p.m.

Ended: 5:57 p.m.

Item #1.4

**Conditional Use Permit Renewal: Two Drive-Thru Service Windows
- Tropical Breeze
1610 W. Griffin Parkway
Lot 19, Block 1, Oakwood Estates Subdivision
C-3**

Margie Jennifer Briseno

Ms. De Luna went over the write-up stating that this site is located at the NW corner of W. Griffin Parkway and River Oak Avenue along the north side of Griffin Parkway. This CUP was last approved on August 13, 2018 for a period of 2 years. The applicant is requesting to renew her CUP. Access to the site is provided off of Griffin Parkway via an existing 43' driveway that will lead traffic in and around the building before exiting back out to Griffin Parkway.

- **Hours of Operation:** Every day from 12:00 a.m. to 10:00 p.m.
- **Staff:** 1-2 employees
- **Parking:** The building measures approximately 396 sq. ft. The number of parking spaces required for this size building is 4. The applicant is providing 4 spaces along the front of the building plus there will be also stacking for approximately 4 cars when placing orders.
- **Landscaping and Buffering:** Landscaping and buffering is being complied with.

REVIEW COMMENTS: We have seen several site-built sno-cone businesses similar to the one proposed that have worked in the past without any issues or concerns. A total of 24 notices were sent out to property owners within 200' and staff has not received any calls or letters against this request. Staff does not object to renewing the CUP for the two drive-thru service windows.

RECOMMENDATION: Staff recommends approval for 2 years to assess this new operation.

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

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.5

**Conditional Use Permit
Renewal:**

**Home Occupation – Licensed Home Day Care
on Property Zoned AO-I (Agricultural Open Interim)
905 W. 20th Street
A 0.50 acre tract of land out of the E.
10 acres of the N. 15 acres out of Lot 23-4,
West Addition to Sharyland Subdivision
AO-I
Diana C. Guerrero**

Ms. De Luna went over the write-up stating that this site is located on the south side of West 20th Street 200' east of Holland Avenue. This CUP was last approved on August 27, 2018 for a period of 2 years. The applicant is requesting to renew her CUP. The applicant has her residence thereon with a 10' x 70' paved driveway along the west side of her property and a second circular driveway along the front of the property. Both driveways can be utilized to safely drop off and pick up children. A 6' cedar fence surrounds the property. The applicant cares for 6 children at a time and is permitted to care for up to 12.

- **Hours of Operation:** The days/hours of operation are: Monday through Friday from 5:30 a.m. to 6:00 p.m.
- **Staff:** the applicant and 1 other employee
- **Parking & Signage:** are meeting code.

REVIEW COMMENTS: This operation had been in existence at this location for over 10 years without any issues. When imposed conditions, the applicant has complied with what was asked of her such as the installation of a circular paved driveway and 4' sidewalks along 20th Street to interface Bubble Rise. Notices were sent out to property owners within the 200' radius of the site. Staff has not received any comments for or against this request.

RECOMMENDATION: Staff recommends approval for 2 years.

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

There was none.

Chairwoman Izaguirre Barrera asked if the board had any questions.

There was none.

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.

ITEM #2.0 OTHER BUSINESS

ITEM #3.0 ADJOURNMENT

There being no further items for discussion, Mr. Jasen Hardisen moved to adjourn the meeting. Mr. Javier Barrera seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:00 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission

