

PLANNING AND ZONING COMMISSION
JANUARY 13, 2021
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Debra Alvarez
Bealinda De Forest
Ruben Moreno
Raquenel Austin

P&Z ABSENT

Jason Hardison

STAFF PRESENT

Susana De Luna
Alex Hernandez
Jessica Muñoz

GUESTS PRESENT

Leonel Cantu
Jose L. Rodriguez
Jesus C. Martinez
Hernando Cuellar
Leticia Ramirez
Perri Ann Huntley
Faith Anderson
Brandi Gatlin
Shane Jirovec
Francisco Sanchez
Cuauhtemoc Roldan
Jose Miguel Lopez
Henry De Luna
Keith Mora
Lisa Rivera
Bill Dillard
Mary Gutie
Isabel Chaparro
Karen Prewitt
Oscar Saenz
Raul Castillo
Joseph Klem
Aran Dunlop

CALL TO ORDER

Acting Chairman Mr. Javier Barrera called the meeting to order at 5:34 p.m.

CITIZENS PARTICIPATION

Acting Chairman Barrera asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR DECEMBER 16, 2020

Acting Chairman Barrera asked if there were any corrections to the minutes for December 16, 2020. Mrs. Debra Alvarez moved to approve the minutes as presented. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:54 p.m.

Item #1.1

REZONING:

**A tract of land containing 0.551 of one acre, being a part or portion of the Gulf Course and Lake Reserve out of Meadow Creek Country Club Phase I-B
1931 Meadow Way Drive
PUD(AO-P) Permanent Open Space District to
PUD(R-1) Single Family Residential
Leonel Cantu**

Ms. De Luna went over the write-up stating that site was located near the Tahoe Drive/Meadow Way Drive intersection along the west side of Meadow Way Drive.

SURROUNDING ZONES:

N: PUD(AO-P) – Permanent Open Space District
E: PUD(R-1) – Single Family Residential

W: PUD(AO-P) – Permanent Open Space District
S: PUD(R-1T) – Townhouse Residential District

EXISTING LAND USES:

N: Vacant
E: Single Family Residential
W: Vacant
S: Single Family Residential
Site: Vacant

FLUM:

Planned Unit Development (PUD)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and surrounding land uses. The R-1 would be a better neighbor for this area.

RECOMMENDATION: Staff is recommending approval.

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

In opposition, Mrs. Karen Prewitt who resides at 2101 Mauve Drive stated that she emailed a petition against one of the rezoning's but has actually the same compliant for all of them.

Acting Chairman Barrera asked Mrs. Prewitt if she understood that they wanted to rezone for single family homes.

Mrs. Prewitt stated that she realized that however she felt the infrastructure in that area is completely in despair. She believes that no more homes should be build there until the infrastructure has been taken care off including the upgrading the lift station.

Acting Chairman Barrera asked if staff had received the petition.

Mrs. De Luna replied, "Yes". A copy of the petition was in included in the packet. She mentioned that the concerns addressed in the petition included the need to upgrade the lift station and resurfacing the streets. In conferring with our City Engineer about her concern regarding the lift station he said that the City only does the maintenance of the lift station and replacement would need to be done by the property owner. In regards to the resurfacing of the streets, that is already in the City plans however he did not provide a time frame.

Mrs. Alvarez mentioned that then her lift station concern should be addressed to Meadow Creek and not the City.

Mrs. De Luna replied, "that's correct".

Mrs. Prewitt stated that there was no more Meadow Creek it was dissolved.

Mrs. De Luna stated that she understood there was no homeowner's association anymore so it would be the property owners responsibility.

Representing Meadow Creek, Mr. Leonel Cantu whose address is 4500 N. 10th Street, Suite 220 stated that he understood the lift station concern and felt he should not be held liable for the

entire lift station because he had just bought several lots not the entire Meadow Creek Community. Mr. Cantu stated that this would be something that should be looked at to find out who is responsible for the lift station. He mentioned that he was not even aware where it was located but he imagined it would be entrance of the subdivision. Mr. Cantu stated that those lots were purchased several years ago through a foreclosure from the bank. He mentioned that he would understand that he would be responsible if he had bought the entire subdivision because a service fee would have to be assessed from each individual property owner but in this case, he only bought several lots.

Ms. De Luna stated that this would be something that could definitely be looked at with our City Engineer. Based on how the plat was recorded it would be the responsibility of the developer or property owner because they were the ones that proposed the lift station.

Mr. Cantu stated that this subdivision has changed a lot in the last 20 years and he was not aware of who was responsible for what anymore. He just feels that this issue is something that should be looked into.

Ms. De Luna mentioned that they could setup an appointment to discuss this issue with the City Engineer.

Acting Chairman Barrera stated that the only item currently being considered was the land use not the lift station.

Ms. De Luna replied, "That's correct". If the rezoning gets approved then he would need to subdivide the property submit a plat showing the number of lots and any utilities would have to be addressed at that point.

Mr. Oscar Saenz who resides at 2103 Crystal Drive stated that he was against anybody when it comes to Meadow Creek. He stated that he was against Item 1.2 & 1.3 as well as for Meadow Way Drive. He added that the problem is has with the rezoning is that this was such a secluded area and neighborhood. He mentioned that he has lived on Lake View Drive for a year and the main reason he purchased the property was because it was secluded, private, calm, and peaceful area. Mr. Saenz added that by building more properties in this area it would only add more continuous traffic, could be a potential danger to this road and other streets. He mentioned that it would also be harmful to the environment. Mr. Saenz stated that the golf course was not how it used to be but it is still Meadow Creek. Mr. Saenz mentioned that regardless is it was a single family residence or a duplex he didn't want it nor the increased traffic. He added that he wouldn't mind the closing of the streets to help their neighborhood safe. He mentioned that there were a lot of kids and senior citizens living in this neighborhood and they would like to keep it that way. Mr. Saenz stated that by rezoning this area it would only anger a lot of the residents in that area.

Mr. Cauthemoc Roland who resides 2102 Crystal Drive right across the street from one of the proposed sites. He stated that he would like to reiterate what the other residents that mentioned. Mr. Roldan stated that he has been living at this location for over 20 years and it was because of the open space that he purchased the property. He added ever since the Home Owners Association cease to exist the homes that are being built are not up to code or at least how it used to be when they had covenants. Most of the homes being built don't have a garage so you have cars parked on the street already which makes it unsafe for emergency vehicles. By adding

more homes it would only create more traffic making unsafe for the children. On top of that the infrastructure for the new development is not there to help accommodate these new homes. Mr. Roland stated that usually when someone wants to develop they first make sure the infrastructure is there to avoid any future conflicts. Mr. Roldan stated that they only want to fill in the areas that were intended to be left open with homes. This would only create more problems because you would have more people trying to use road that area already have a lot of traffic. Mr. Roldan stated that he chose to purchase this property because of the secluded area and because of the open space by rezoning this area it only makes it seem that the residents aren't being heard.

Acting Chairman Barrera stated that currently what was being discussed was the land uses usually any other infrastructure or utility concerns would need to be addressed at the subdivision stage.

Mr. Roldan stated that he was in opposition to this rezoning request amongst any others.

Acting Chairman Barrera asked if the board had any questions.

Mrs. Debra Alvarez stated that she was uncertain which way to go because one thing was the flooding issues and another was the appearance. She added that this place was not going to be like it used to because there is no more golf course unfortunately this board has no control on that. The City's future land use map allows the single-family residence zone in that area. Mrs. Alvarez stated that P&Z was just a recommending Board ultimately the final decision will be made by the City Council.

There being no further discussion, Acting Chairman Barrera entertained a motion. Mrs. Debra Alvarez moved to approve the request as per staff's recommendation. Mrs. Raqueneel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 6:00 p.m.

Item #1.2

REZONING:

**A tract of land containing 0.612 of one acre, being
a part or portion of the Gulf Course and Lake Reserve
out of Meadow Creek Country Club Phase I-B
1916 Crystal Drive
PUD(AO-P) Permanent Open Space District to
PUD(R-1) Single Family Residential
Leonel Cantu**

The subject site is located near the Diane Circle/Crystal Drive intersection along the east side of Crystal Drive.

SURROUNDING ZONES:

N: PUD(R-1T) – Townhouse Residential District
E: PUD(AO-P) – Permanent Open Space District
W: PUD(R-1T) – Townhouse Residential District
S: PUD(R-1T) – Townhouse Residential District

EXISTING LAND USES: N: Single Family Residential
E: Vacant
W: Single Family Residential
S: Single Family Residential
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and surrounding land uses. The R-1 would be a better neighbor for this area.

RECOMMENDATION: Staff is recommending approval.

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

Mrs. Karen Prewitt stated that this area was just behind the lift station she was referring to earlier and the only access to the lift station was through this property. She mentioned that if the rezoning was approved then this lift station would be landlocked and no maintenance would be done.

Mr. Leonel Cantu stated that with all due respect there was another access off of Meadow Way and Lake Front to the lift station that was mentioned.

Mr. Oscar Saenz stated that he was in opposition for the same reasons he mentioned in the previous item.

Mr. Aran Dunlop who is the owner of Seven Oaks stated that his item was actually item 1.4 and wouldn't object to this particular item. He added that the scope of this meeting was to consider whether they should change of the land use or not. He stated that based on the affiliated issued address by the residents in the area it was unfair to rezone the property for additional homes if the infrastructure was not in place or determined who would be responsible for the current infrastructure.

Acting Chairman Barrera asked if the board had any questions.

There being no further discussion, Acting Chairman Barrera entertained a motion. Mrs. Debra Alvarez moved to approve the request as per staff's recommendation. Mrs. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:01 p.m.

Ended: 6:07 p.m.

Item #1.3

REZONING: A tract of land containing 0.613 of one acre, being a part or portion of the Gulf Course and Lake Reserve out of Meadow Creek Country Club Phase I-B 1914 Crystal Drive PUD(AO-P) Permanent Open Space District to PUD(R-1) Single Family Residential Leonel Cantu

REVIEW DATA

The subject site is located near the Loehr Lane/Crystal Intersection along the east side of Crystal Drive.

SURROUNDING ZONES:

N:	PUD(R-1T)	– Townhouse Residential District
E:	PUD(AO-P)	– Permanent Open Space District
W:	PUD(R-1T)	– Townhouse Residential District
S:	PUD(R-1T)	– Townhouse Residential District

EXISTING LAND USES:

N:	Single Family Residential
E:	Vacant
W:	Single Family Residential
S:	Single Family Residential
Site:	Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and surrounding land uses. The R-1 would be a better neighbor for this area.

RECOMMENDATION: Staff is recommending approval.

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

Mr. Oscar Saenz stated that he was in opposition to this request. He added that it seems that the City is not taken into consideration what the residents want for this area and are not benefiting one person or a group of persons.

Mr. Aran Dunlop stated that he would like to raise the same concerns. He mentioned that the question should be whose interest are being served and how is suffering for informalities that area being caused by this rezoning's. He stated that he was not in opposition to this particular parcel just the proceedings.

Ms. De Luna stated that staff did receive 1 letter in opposition to this request and it was from Mrs. Karen Prewitt. She added that the concerns voice in the letter were in regards to the lift station, resurfacing of the streets and green areas.

Mrs. Karen Prewitt stated that in fact her letter did address the lift station that is way over 30 years old. She asked if the Board could consider tabling this item until the ownership of the lift station is determined. Mrs. Prewitt stated that to her this was a very important issue that needed to resolved prior to rezoning. She added that Mr. Saenz and her lived particular adjacent to this site. She mentioned that they are very aware how is area looks and they don't want any other houses in that area.

Acting Chairman Barrera asked if the board had any questions.

Ms. De Luna stated that there were 4 different property owners for Meadow Creek and it would be hard to determine right now who the lift station belongs to but that is something that we can look into. The Board could table the item so that staff can look into this concern.

There being no further discussion, Acting Chairman Barrera entertained a motion. Mrs. Debra Alvarez moved to table the request. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:08 p.m.

Ended: 6:16 p.m.

Item #1.4

REZONING:

**Lots 6, 7, 8, and 9, Block 3,
Meadow Creek Country Club, Phase 2A
1207 Lake View Drive
PUD(R-1T) Townhouse Residential to
PUD(R-3) Multi-Family Residential
Leonel Cantu**

REVIEW DATA

The subject site is located approximately ¼ mile north of J.C. Parkway and Lake View Drive along the west of Lake View Drive.

SURROUNDING ZONES: N: PUD(R-5) – High Density Manufacturing Housing District
E: PUD(R-5) – High Density Manufacturing Housing District
W: PUD – Common Area
S: PUD(R-5) – High Density Manufacturing Housing District

EXISTING LAND USES: N: Mobile Home
E: Single Family Residential
W: Single Family Residential
S: Single Family Residential
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. Staff feels that the R-3 (multi-family residential district) would be detrimental to this area that has long been for single family residential and mobile homes. The R-1T would be a better neighbor for this area.

RECOMMENDATION: Staff is recommending denial of the PUD(R-3) zone, but will be receptive to approve an PUD (R-1) zone.

The applicant, Mr. Leonel Cantu who resides at 4500 N. 10th Street, McAllen, Texas stated that around the block there was other multi-family residences. Mr. Cantu mentioned that there were a lot of apartments on Circle Drive and Lake View Drive. He didn't understand the reason why the recommendation was for denial.

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

Ms. De Luna mentioned that the Planning Department had received a petition with 55% in opposition to this request that were within the 200' radius as well as about 88 other signatures from surrounding property owners outside the radius and all of them are in opposition. However, they are willing to consider the R-1 zone, which would be for single family residential.

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

Mrs. Faith Anderson who resides at 1208 Lakeview Drive stated that she represents the homeowners of Lakeview Drive and Meadow Creek. She mentioned that a petition was submitted from all the surrounding property owners in opposition to this request. She stated that she was in opposition for the following reasons: increase noise, traffic, decrease property values, it would be detrimental to the safety of the elders that live in the area along with the children. She included the aesthetics environment, and wildlife because its kind of negatively affect. This area is like if they lived in the country because its quiet and they would like to keep it that way. She mentioned that they have gone through a lot with this golf course over the years. Mrs. Anderson stated that they strongly oppose the R-3 request but would be okay with an R-1 zone.

Mr. Aran Dunlop stated that he was the owner of the trailer park and along with the other residents in the trailer park he had signed the petition against this rezoning. He mentioned that in regards to Mr. Cantu question as to why is it not okay to allow multi-family in this piece of land just because there were apartments in the area. He added that as the owner of the trailer park he would not seek to expand his trailer park just because there is a park in that area.

Mrs. Alvarez asked Ms. De Luna just for clarification they residents are opposed to the R-3 request but are okay with the R-1, which is single family residential.

Ms. De Luna replied, "That's correct".

Mrs. Alvarez stated that this site was different to the other areas that were approved and table because this property was further back. She asked what was in the area.

Ms. De Luna stated that there were RV's to the north and single-family residences along Lake View Drive.

Mrs. Alvarez asked if this property has just been empty because it just never got developed.

Ms. De Luna replied, "That's correct".

Brief discussion continued among the Board in regards to the zoning designation, lot size and setback requirements.

There being no further discussion, Acting Chairman Barrera entertained a motion. Mrs. Debra Alvarez moved to deny the request as per staff's recommendation and approved a PUD(R-1) zone. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:16 p.m.

Ended: 6:18 p.m.

Item #1.5

REZONING:

A 1.16 acre gross, tract of land out of
Lot 27-7, West Addition to Sharyland Subdivision
2908 N. Conway Blvd.
(AO-I) Agricultural Open Interim to
(C-3) General Business
Jose L. Rodriguez

REVIEW DATA

The subject site is located on the southeast corner of E. 30th Street and Conway Blvd

SURROUNDING ZONES:

N: C-3 – General Business
E: R-1 – Single Family Residential
W: R-4 – Mobile & Modular Home
S: AO-I – Agricultural Open Interim

EXISTING LAND USES:

N: Vacant Commercial Building
E: Single Family Residential
W: Wagon City North
S: Vacant Agricultural
Site: Vacant Agricultural

FLUM:

General Commercial (GC)

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

RECOMMENDATION: Staff is recommending approval.

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

The applicant, Mr. Jose L. Rodriguez was present to address any questions from the Board.

Acting Chairman Barrera asked if the board had any questions.

Mrs. Alvarez asked if this was the vacant property across the street from De Alba's Bakery.

Ms. De Luna replied, "That's correct".

There being no further discussion, Acting Chairman Barrera entertained a motion. Mrs. Debra Alvarez moved to approve the request as per staff's recommendation. Mrs. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Diana Izaguirre joined the meeting at 6:15 p.m.

Started: 6:18 p.m.

Ended: 6:41 p.m.

Item #1.6

CONDITIONAL USE PERMIT: Home Occupation – Isa’s Fashion
1607 E. 30th Street
Lot 4, Ashton Estates
R-1A
Jose Miguel Lopez

REVIEW DATA

The subject site is located near the E. 30th Street and Stewart Road intersection along the northside of E. 30th Street.

The applicant currently has an online sales boutique named “Isa’s Fashion” where they have live video shows once a week and people buy online. Items are shipped via mail but occasionally they do have customers that wants to pick up their items at the boutique. The areas of the home used for the business are the dining and living room. The applicant eventually has plans to move to a commercial location but due to the pandemic she would like the board to consider the request.

- Employees: 1 employee
- Hours of Operation: Monday – Saturday from 10:00 a.m. to 6:00 p.m. by appointment only
- Parking: The existing driveway allows for the stacking of at least 6 vehicles. Staff notes that the applicant himself has a total of 5 cars or more.

Staffs mailed out 21 notices to the surrounding property owners within 200’ radius to get their input in regards to this request. As of this writing, staff has received 7 formal complaints against this CUP although most of them are outside the 200’ radius. Staff also received a petition with 33% in favor of the request within the 200’ radius.

REVIEW COMMENTS: Staff notes that 3 home occupations for a similar type of business have been approved in the past with no opposition for only one 1 year. Black Iris Boutique was approved for life of use back in 1992 and is still in operation. Based on the pictures it seems that this not a start-up business which is the intent of a conditional use permit.

RECOMMENDATION: Staff recommends denial of this CUP.

Chairwoman Izaguirre joined and took over the meeting at 6:15 p.m.

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

Ms. De Luna stated that there were several residents that had signed in in opposition that would like to comment regarding this request.

Chairwoman Izaguirre stated that each person would have a total of 3 minutes to express their concerns.

Mr. Jose Miguel Lopez stated that Mrs. Isabel Chaparro was his mother and was not in opposition to the request. He added that she was actually the person running the business.

In opposition, Mrs. Brandi Gatlin stated that she understood that she didn't live within the 200' radius but would like to express her concerns. She mentioned that she lived in Westover Park, which was off of Norma Drive and they share a continuous road. Her concerns included: increase traffic, noise, safety issues, business would allow strangers to their subdivision, and business would set precedence to others. Mrs. Gatlin stated that this was the only property that was an eyesore in the entire neighborhood it had junk vehicles in their property pictures have already been sent in regards to this issue.

Mr. Raul Castillo who resides at 1704 E. 30th Street stated that he lives on the same street as the applicant and he agrees with Mrs. Brandi's concerns. He understands that they want to conduct business by appointment only but where are the cars going to park he has 5 already on the driveway and some on the street. Mr. Castillo stated that at times there is only room for one vehicle to pass by of how congested it gets. He added that he has lived in this subdivision for almost 3 years and this property has always been an eyesore who has a gas tank outside of their property. He mentioned that he has junk cars that he has never made work. He just moves them to the vacant property nearby. He is opposed to this request because this is a very nice residential neighborhood and would like to keep it that way.

Mr. Francisco Sanchez stated that this was a well establish residential area and if they wanted to have a business then they should consider looking for a commercial location.

Mr. Shane Jirovec who resides at 2905 Tulip Avenue just around the corner of said property stated that he agreed with all the comments that Mrs. Brandi and the other residents mentioned. He added that since he moved to this quiet and peaceful neighborhood he has been blocked from entering the subdivision because of the cars being dropped out at this location. Mr. Jirovec stated that he just doesn't see how they could have a business with that many vehicles and still wanted to add more. He is also concern that is property values would be going down if this business is approved.

Mr. Joseph Klem stated that when they first saw the conditional use permit sign on the property the people started calling him telling him that the car guy wanted to legitimize his mechanic business. He called the city and was told that the request was for a boutique. I thought what about the cars and he was told that he was a car enthusiastic he only fixes his own cars. Now they have a car enthusiastic and a boutique enthusiastic in the same residence he just doesn't see how the people would go in the house without first tripping on a car bumper, etc. Mr. Klem stated that the people would not be so much against the request if he cleaned the property first and then he applied for the request.

The applicant, Mr. Jose Miguel Lopez who resides at 1607 E. 30th Street stated that this business was for his mother. He added that his mother was hurt 3 years ago in a surgery and cannot really work this was the reason he had invested for her to start her own boutique. Mr. Lopez stated that he had already rented out a commercial property but due to covid-19 he had to forfeit the property. He mentioned that he had already bought a half a million property for his shop as well. He added that he owned about 20 cars and he had already cleaned the driveway just leaving 3 cars but it takes a little bit of time to move the cars. Mr. Lopez stated that one of the concerns voiced during opposition was in regards to him having a gas tank. Mr. Lopez

mentioned that he didn't own a gas tank it was his neighbors. Mr. Lopez added that he had 26 cameras in his property so his property is watched all the time. Mr. Lopez thanked Mr. Joseph for sharing his opinion and yes the property is getting cleaned up. Mr. Lopez stated that he was doing this for his mother in an effort to help her out since she can't keep a job. He added that he would like to get this provisional permit. He mentioned that he was a business man. He stated that with the property that he had just bought he would like to make his mom's business headquarters there so this would be conditional use for a couple of months only just to give him some time to set everything up. Mr. Lopez stated that he was able to get signatures of at least 12 neighbors in favor of the request that were provided to Ms. Irasema all of them were within the 200' radius. He added that he understands the concerns of the all the neighbors who run in that subdivision because he runs to sometimes and there has been occasions where cars to fast in the subdivision and it not him. Mr. Lopez stated that he doesn't do burnouts or anything he is not supposed to. He added that not all the cars that were parked on the street were his some of those cars belong to his neighbors.

Mrs. Isabel Chaparro stated that she was working out of her home due to covid just like many others that can't work. She added that she had talked to her neighbors about the request and all of them were in favor of her request so she doesn't understand what seems to be the problem. Mrs. Chaparro stated that her plans are to move to a commercial location in the near future as soon as everything gets better. She doesn't anticipate to be working from her house all of the time. She is requesting this permit so she can continue to work from home. She mentioned that her son had already moved 3 cars and her driveway was big enough to fit 3 more cars. Mrs. Chaparro stated that the street was public and anybody could park there if they wanted too without obstructing her driveway. She mentioned that she didn't understand seemed to be the problem if her neighbors were in favor of the request because they understood her situation.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Alvarez stated that clearly by the pictures this seems to be a well establish business and not an online business like they mentioned. The fact that they were already operating as a business does not look good because they should have not been doing that. Mrs. Alvarez mentioned that she understood the situation with covid but this is in the middle of the neighborhood.

Mr. Javier Barrera agreed with Mrs. Alvarez that they should not have started without first getting with the City.

Mr. Lopez stated that the reason it looks like if it was an establish business was because it was he had to move everything from the commercial location to his home all the furniture everything they had his mom just arrange everything to start having her live shows. He added that yes there were some people who pick up the stuff in the house but most of the sales are online.

Mrs. Raquanel Austin stated that to her it was sending the wrong message because on one hand your apply for the permit and on the other everything is already set up to her it was operational already.

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

Started: 6:41 p.m.

Ended: 6:44 p.m.

Item #1.7

CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic Beverages – LA Crawfish
2423 E. Expressway 83, Ste. 100
Lot 2, Block A, Shary-Taylor Expressway Commercial
C-4
Henry De Luna

REVIEW DATA

The 3,500 sq. ft. restaurant site is located approximately ¼ mile east of Shary Road along the northside of the Frontage Road along Expressway 83, just east of Chili's. The applicant is proposing to sell alcoholic beverages within their new restaurant. The last CUP for the sale and on-site consumption of alcohol for this site was approved by P&Z on November 14, 2018 for a period of 3 years.

- **Hours of operation:** Every day from 11:00 a.m. to 10:00 p.m.
- **Staff:** 10 employees
- **Parking:** In viewing the floor plan, there are 67 total seating spaces, which require 22 parking spaces (67 total seating spaces/3 = 22.3 parking spaces). It is noted that the parking area is held in common (98 existing parking spaces) and is shared with other suites. It is also noted that the parking area is held in common and access to the site is provided through existing, interlocking parking lots from Chili's and businesses to the north. This restaurant is located within an existing commercial site, which has existing landscaping and is in compliance with code.

REVIEW COMMENTS: There are no churches, schools, or residential homes within 300' of this restaurant, nor have there been any comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION: Staff recommended approval subject to the following:

- 1) 2 year re-evaluation to assess this new operation at which time the applicant will have to renew his CUP and TABC license, 2) compliance with Building, Fire, and Health Codes, and 3) acquisition of a business license.

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

The applicant, Mr. Henry De Luna was present to address any questions that the Board might have.

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: 6:44 p.m.

Ended: 6:47 p.m.

Item #1.8

CONDITIONAL USE PERMIT: Drive-Thru Service Window – Alondra's Bakery, LLC
708 N. Inspiration Road, Ste. 2
Lot 1, Rivalsebas Subdivision
C-3
Jesus C. Martinez

REVIEW DATA

SITE: The subject site is located 400' south of Business 83 along the east side of Inspiration Road. The last CUP for a Drive-Thru Service Window for this location was approved by the P&Z on August 14, 2019 for a period of 1 year. The applicant is proposing to combine suites 2 & 3 for the proposed bakery. The drive-thru window is along the north end of the commercial plaza. Access to the site is from a 24' driveway from Inspiration Road.

- **Hours of Operation:** Monday thru Sunday from 7:00 a.m. to 8:00 p.m.
- **Staff:** 2 employees during operating hours
- **Parking:** Parking is held in common at this location and exceeds 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 recommended approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) Compliance with Building, Fire, and Health Codes, and 3) acquisition of a business license.

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

The applicant, Mr. Jesus C. Martinez was present to address any questions that the Board might have.

Chairwoman Izaguirre asked if the board had any questions.

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

Started: 6:47 p.m.

Ended: 6:56 p.m.

Item #1.9

CONDITIONAL USE PERMIT: Drive-Thru Service Window – Los Pinguinitos Snacks

2427 E. Griffin Parkway
Lot 16, Block 1, Tierra Grande Commercial Plaza
C-3
Hernando Cuellar

REVIEW DATA

The subject site is located on the NW corner of Tierra Drive and E. Griffin Parkway. The last CUP for the Drive-Thru Service Window for this site was approved by P&Z on May 10, 1995 for life of use. Since conditional use permit are not transferable to others the new applicant would like to apply for this own permit. The applicant proposes to have a snack business with a drive-thru service window along the building's eastern side. Access to the site is from a 12' driveway from Tierra Drive with traffic exiting primarily to the alley. The applicant proposed to have 2 tables with 3 to 4 chairs each.

- **Hours of operation:** 11:00 a.m. to 11:00 p.m. seven days a week.
- **Staff:** 4 to 5 employees
- **Parking:** The 2,450 sq. ft. building requires a total of 9 parking spaces. There is a total of 95 parking spaces held in common with the other existing businesses.

RECOMMENDATION: Staff recommends approval subject to the following:

- 1) 1 year re-evaluation to assess this new operation, 2) compliance with Building, Fire, and Health Codes, 3) acquisition of a business license, and 4) Installing a speed bump on the north side of the building right before the alley.

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

Mrs. Mary Gutierrez stated that she was not against progress or business at all because they were business people but there is already a lot of traffic in this area so they were against this request. She mentioned that there was a lot of traffic on Tierra Grande and Mimosa. She added that they had regular traffic, regular city maintenance, and traffic that want to avoid the traffic lights so they go into their neighborhood. Mrs. Gutierrez stated that they had cars parked on Tierra Grande and all the way around for the businesses like Marcos Burgers and Yaya's Restaurant. Mrs. Gutierrez stated that they also have big semi that unload in the alley and on Tierra Grande so it will only make it more congested. She added that they would only be able to hold 3 cars before they block the parking lot. She mentioned that there was also an entrance where there is a stop sign where they will be holding people and possible creating accidents. Mrs. Gutierrez mentioned that they had the big semi going down Tierra Grande all the way to Mimosa they turn in reverse and go out onto Griffin Parkway. She added that it would be regular traffic, big semi's, and now this it was just too much accidents will happen and they were opposed to this request. Mrs. Gutierrez stated that she had other neighbors but didn't speak up but she could get signatures against this request.

Chairwoman Izaguirre asked if the board had any questions.

Mr. Barrera asked Mr. Cuellar where is he proposing to have the menu because there is not enough room for stacking of vehicles.

The applicant, Mr. Hernando Cuellar stated that he had factored that already. He mentioned that they noticed that if they had 3 or 4 vehicles at one time they would be blocking the entrance. So that landlord had agreed to give him an additional 4 to 5 parking spaces in the front of the property where they could wait for their order and not block the drive-thru. Mr. Cuellar stated that it was a new business and he didn't foresee a lot of traffic especially in this time but hopefully in the future his business picks up then they would probably consider other options.

Ms. Alvarez asked where would the order be picked up south north right along the sidewalk.

Mr. Cuellar replied, "Yes".

Mrs. Alvarez asked Mr. Cuellar if this was the case then you would be asking the customers to make a quick turn to get back into the parking lot to wait for their order is that correct.

Mr. Cuellar replied, "Yes".

Mrs. Alvarez stated that was room for a disaster especially if you have a lot of traffic. She added that this place was not intended for a drive-thru.

Mr. Cuellar stated that there used to be a business with a drive-thru at this location.

Mrs. Alvarez stated that it used to be a cleaners and it was very sporadic that you would see a car. This area has a sidewalk which is intended to be there to be used as a sidewalk. If this area was meant for a drive-thru then the sidewalk would not be there.

Brief discussion continued among the Board in regards to how the traffic will be going into the street.

Mrs. Alvarez stated that she would like to see a better layout of his proposal for this drive-thru.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to 'table' the request. Mrs. Bealinda De Forest seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:56 p.m.

Ended: 6:59 p.m.

Item #2.0

CONDITIONAL USE PERMIT: Keep a Portable Building for Office Use
1519 E. Expressway 83
Lot 4, Henry Saenz Subdivision
C-4
AMPM Roadside & Recovery

REVIEW DATA

SITE: The site is located 600' west of Stewart Road along the north side of the Expressway 83 Frontage Road. The last CUP for a Portable Building for this location was approved by the P&Z on June 24, 2020 for a period of 1 year. Since the CUP is not transferable to others the property owner would like the opportunity to keep the 14' x 72' portable building to be used as an office.

The portable building is located 103' from the property line which allows for the front area to be utilized for storage. The applicant proposed to store and repair vehicles. Access to the site is off of the Frontage Road and shared with an existing business to the west.

- **Hours of Operation:** Monday – Friday from 8 a.m. to 5 p.m.
- **Staff:** 3 employees

Section 1.57(3) Zoning Code – states that exterior service and/or storage site shall be buffered by the owner or operator prior to the city permitting occupancy of the structure.

REVIEW COMMENTS: There are other portable buildings installed in this area and it is not uncommon to have a portable used as an office. Staff has not received any comments for or against the portable building. While the use of portable buildings is allowed via a CUP, the intent is for use to be temporary and eventually transition into a permanent building.

RECOMMENDATION: Staff recommends approval subject to:

1. 1 year re-evaluation to assess this new operation;
2. Compliance with Building, Fire, Landscaping, and Sign Codes;
3. CUP not transferable to others;
4. Re-stripe parking lot;
5. Acquisition of a business license; and
6. Buffering the property from public view.

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

The applicant, Mr. Keith Mora was present to address any questions from the Board.

Chairwoman Izaguirre asked if the board had any questions.

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

Started: 6:59 p.m.

Ended: 7:03 p.m.

Item #2.1

**CONDITIONAL USE PERMIT: Texas Citrus Fiesta Carnival
January 16 – January 30, 2021
& Fun Fair on January 30, 2021
200 W. Griffin Parkway
Being approximately 18.16 acres
out of Lot 25-6, West Addition to Sharyland
Subdivision & Lot 1, North Star Plaza Phase I
AO-I & C-3
Texas Citrus Fiesta**

REVIEW DATA

The subject site is located near the NW corner of Conway and Griffin Parkway (F.M. 495) – see vicinity map. Texas Citrus Fiesta organizers have been given permission to have their annual carnival and Fun Fair on the vacant lot to the north and west of the Old Carl's Supermarket. The carnival is scheduled to set up on January 16th and have the carnival from January 16, 2021 to January 30, 2021. They will then take down the carnival on the 31st. The Fun Fair will be on January 30th from 10:00 a.m. to 10:00 p.m. but it is scheduled to set up on January 29th with approximately 20 vendors and a stage for entertainment.

- Hours of Operation for carnival: Weekdays 5:30 p.m. to 10:30 p.m., and Weekends 1:00 p.m. to 11:30 p.m.
- Parking: Parking for this event will be provided by utilizing the old Carl's parking lot located to the south. Staff encourages that "No Parking" signs be placed along Conway and F.M. 495 and that there be early morning trash pick-up throughout the entire site during the "Bill Dillard Carnival's tenure.
- The Zoning code states that a carnivals and fun fairs site should be a minimum of 300' away from any residentially used property from lot line to lot line. This CUP is compliant to this Code, i.e., there are no homes within 300'.
- Chapter 10 – Amusements and Entertainment: Security will be evident as in the past events via Mission PD Officers (as hired by TCF). Restrooms will be available. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment – will need to be complied with, in particular the insurance coverages requirement for such amusements.

REVIEW COMMENTS: With sufficient professional security, barricades, lighting, & TCF monitoring, this event will again be very successful and well attended. TCF has assured the City that all aspects of security will be taken care of as well as CDC guidelines.

RECOMMENDATION: Staff recommends approval subject to:

1. Installation of a perimeter fence/debris stop
2. Installation of "No Parking" signs along Conway and Griffin Parkway; and
3. Meet Noise, Amusement & Entertainment, Insurance, and any other related codes.
4. Compliance with CDC guidelines.

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

Representing Texas Citrus Fiesta, Mrs. Lisa Rivera stated that they would be willing to comply with all of staff recommendations. She added the Mr. Bill Dillard owner of the carnival assured her that they will be complying with all of CDC guidelines. There will be making sure everyone is wearing their masks at all times.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Alvarez thanked Mrs. Rivera for offering to abide with CDC guidelines for her event.

There being no further 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: 7:03 p.m.

Ended: 7:06 p.m.

Item #2.2

**CONDITIONAL USE PERMIT
RENEWAL:**

**Sale & On-Site Consumption of Alcoholic
Beverages – JALL’s Sports Bar & Grill
1810 W. Griffin Parkway, Ste. B, C, & D
Lots 7 & 8, Inspiration Point Subdivision Ph. I
C-3
J.A.L.L.’S Sports Bar & Grill**

REVIEW DATA

SITE: The subject site is located 300’ from the NW corner of Inspiration Road and Griffin Parkway - **see vicinity map**. 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:** Sunday – Friday and Saturday from 4:00 p.m. to 12:00 a.m., and Saturday from 4 p.m. to 1a.m.
- **Staff:** 3 employees
- **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.
- **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.

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. These operating hours, to a certain extent, aid in allaying our concerns to the fact that it is a sports bar.

RECOMMENDATION: Staff recommends approval subject to: 1) 2 year re-evaluation to assess this operation at which time the applicant will have to renew his CUP and TABC License, 2) Waiver of the 300’s separation requirement from the residential neighborhood, and 3) Compliance with Building, Fire, and Health Codes.

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

The applicants, Mr. Guillermo & Mrs. Leticia Ramirez was present to address any questions from the Board.

Chairwoman Izaguirre asked if the board had any questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request as per staff's recommendation. Ms. Bealinda De Forest 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. Javier Barrera moved to adjourn the meeting. Mrs. Bealinda De Forest seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 7:06 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission