PLANNING AND ZONING COMMISSION JANUARY 12, 2022 CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT	P&Z ABSENT	STAFF PRESENT	GUESTS PRESENT
Javier Barrera	Diana Izaguirre	Susana De Luna	Emigdio Villanueva
Ruben Arcaute	Hector Moreno	Alex Hernandez	Richard Womedorf
Debra Alvarez		Jessica Munoz	Aimee Severson
Jasen Hardison		Cynthia Gonzalez	Omar Hadroune
Raquenel Austin		Gabriel Ramirez	Manuel Ramirez
Connie Garza			Daniel King
			Yvette Castañeda
			Brenda Enriquez
			Jennifer Espinoza
			Milo Salinas
			Lisa Rivera
			Valerie Mancha

CALL TO ORDER

Vice Chairman Barrera called the meeting to order at 5:34 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR DECEMBER 15, 2021

Vice Chairman Izaguirre asked if there were any corrections to the minutes for December 15, 2021. Mr. Arcaute moved to approve the minutes as presented. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m. **Ended:** 5:36 p.m.

Item #1.1 Election of Chairman and Vice-Chairman

No Action Taken

Started: 5:36 p.m. **Ended:** 5:37 p.m.

Item #1.2 Rezoning:

Being a 2.33 gross acre tract out of that certain 17.88 acre tract out

of Lot 29-4, West Addition to Sharyland

AO-I to R-1 David Salinas

Ms. De Luna went over the write-up stating that the subject site is located 716' west of Trosper Road along the north side of W. Mile 2 Road.

SURROUNDING ZONES: N: AO-I — Agricultural Open Interim

E: AO-I/R-1 – Agricultural Open Interim &

Single Family Residential

Single Family Residential

W: R-1 – Single Family Residential
 S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential

E: Residential/Open Acreage W: United Irrigation District

S: Open Acreage

Site: Vacant

FLUM: Low Density Residential (LD)

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

RECOMMENDATION: Staff is recommending Approval.

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

Vice Chairman Barrera asked the board if they had questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to approve the request as per staff recommendation. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m. **Ended:** 5:39 p.m.

Item #1.3

Rezoning: Tract 1: A 10.449 acre tract of land, more or less,

being out of Lot 5-11, West Addition to Sharyland

&

Tract 2: A 2.952 acre tract of land, more or less,

Being out of Lot 5-11, West Addition to Sharyland

AO-I to I-1

Union Design Developers

Ms. De Luna went over the write-up stating that the subject site is located on the southeast corner of Bryan Road and Military Road (F.M.1016).

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim

E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim

S: I-1 – Light Industrial

EXISTING LAND USES: N: Open Acreage

E: Open Acreage W: Open Acreage S: Open Acreage

Site: Vacant

FLUM: General Commercial (GC)

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

RECOMMENDATION: Staff is recommending Approval.

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

Vice Chairman Barrera asked the board if they had questions.

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

Started: 5:37 p.m. **Ended:** 5:39 p.m.

Item #1.4 Rezoning:

Being a 8.93 acre tract of land, more or less, out of Lot 26-10. West Addition to Sharyland

AO-I to R-1

R.G.V Villa Development LLC

Ms. De Luna went over the write-up stating that the subject site is located ¼ of a mile north of E. Griffin Parkway (F.M. 495) along the west side of N. Bryan Road.

SURROUNDING ZONES: N: R-1A — Large Single Family Residential

E: AO-I – Agricultural Open Permanent W: R-1 – Single Family Residential

S: R-1A – Large Single Family Residential

EXISTING LAND USES: N: Residential

E: Residential W: Residential

S: Edinburg Main Canal/Residential

Site: Vacant

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses.

*Note: Lower Density "A" designation is for Large Lot Single Family Residential District.

RECOMMENDATION: Staff is recommending Denial.

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

Mr. Emigdio Villanueva the applicant was present. He stated he was asking to develop this land with 65' x 140' lots. He added each lot would be about 9,100 square feet.

Vice Chairman Barrera asked the board if they had questions.

Vice Chairman Barrera asked what was the minimum square feet for a residential lot.

Ms. De Luna stated the minimum requirement for residential lots are 60' x 100' which have a total of 6,000 square feet. She added on Large Single-Family Lots the minimum required is 75' x 120'.

Mrs. Alvarez asked how many lots were being proposed.

Mr. Villanueva stated he was proposing 33 lots.

Mrs. Alvarez explained to Mr. Villanueva that according to the future land use map this should not get approved. She added City Council would make the final decision.

Mr. Hardison stated that to the west side of the property there was residential lots.

Ms. De Luna explained that property was the division of the residential and the large lots.

Mr. Hardison asked if there was any opposition.

Ms. De Luna stated staff had not received anything for or against this rezoning.

Mr. Hardison asked if Mr. Villanueva was proposing 65' x 140' lots.

Mr. Villanueva confirmed the lots would be 65' x 140' which each lot would more than 9,100 square feet. He added the difference would be 5 lots.

Mrs. Austin added an issue in that area was that when the lots don't have much space for parking, cars are always parked on the side of the street.

Mr. Arcaute asked if the lots on the north side were meeting the minimum required feet.

Ms. De Luna stated they should be complying unless they applied for a variance.

Mr. Arcaute explained their decision had to be based on staff recommendation, but City Council has the final decision.

Ms. De Luna explained that the future land use map was going to be revised but was not sure if there was going to be any changes. She added currently the minimum required for large lot single family lots is 75' x 120' square feet.

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

Started: 5:52 p.m. Ended: 5:56 p.m.

Item #1.5

Conditional Use Permit: Sale & On-Site Consumption of Alcoholic

Beverages – Foot's Ice House 815 N. Francisco Avenue

Being the South 109.5' of Lot 2, Block 137, Mission Original Townsite & all of Lot 52,

C-3

Aimee Severson

Ms. De Luna went over the write-up stating the subject site is located at the NW corner of Francisco and 8th Street. This bar has been in existence at this location since 1960 as per appraisal district records. The new applicant recently remodeled the building. There are tables and chairs located inside and outside the building, and some bar stools around the bar area too (total of 50 people inside). This is a longstanding business frequented by different Mission residents and Winter Texans. The applicant will offer burgers and appetizers in her menu. She is proposing to have Winter Texan Music 3 days during

the week. The last conditional use permit approval for this location was on January 11, 2021 for a period of 2 years.

- **Hours of Operation:** Monday Saturday 10am to 12 midnight and Sunday from 12 Noon to 10 pm. Although beverages will only be served during the allowable State selling hours.
- **Staff:** 2 employees including the owner.
- **Parking:** As can be seen in the aerial, there are over 12 off-street parking spaces that were constructed in the 60's. The parking requirements for a restaurant, nightclub, café or similar recreation or amusement establishment: One space for each 75 square feet of floor area or one space for each three seats, whichever is greater. Based on the code, 25 parking spaces are required. However, this property is located within the Mission's Central Business District; thus, exempt from parking requirements for existing structures.
- **Alcoholic Beverages:** Such uses require that no alcoholic beverage be sold within 300' to a residence, church, public school, private school or public hospital. There are some residences within this radius; thus, a waiver of the separation requirement would need to be considered.

REVIEW COMMENTS: Notices were sent out to property owners within 200' radius of this business, as of this writing staff has not received any comments in favor or against this request. In the past, staff has received several concerns in regards to noise for this establishment, therefore the new applicant will need to comply with the noise ordinance.

RECOMMENDATION: Staff recommends approval subject to: 1) 2-year approval at which time the applicant will have to renew their CUP and TABC License, 2) waiver of the 300' separation requirement from residential areas, 3) re-stripe parking area and add landscaping, 4) compliance with building, fire, and health codes, 5) obtain a business license, and 6) compliance with noise ordinance.

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

Mrs. Aimee Severson the applicant was present. She stated she had this business for 12 years and never had problems with the City. Now she has remodeled and decided to reopen the business again.

Vice Chairman Barrera asked the board if they had questions.

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

Started: 5:56 p.m. Ended: 5:58 p.m.

Item #1.6

Conditional Use Permit: Drive-Thru Service Window

LIT Coffee

2515 Colorado Street, Ste. 1

Lot 2, Block 2, Santa Lucia Development

C-3

Daniel King

Ms. De Luna went over the write-up stating the subject site is located at the NW corner of Colorado and Taylor Road. The applicant leased a suite within this commercial development to have his coffee shop with a drive-thru service window. The applicant is proposing to have approximately 5 tables with 4 chairs each inside the building. Access to the site will be provided off of Colorado or Taylor through existing 24' driveways. Customers can park within the shared parking area to walk in and purchase items or they can use the drive-thru service window.

• Days/Hours of operation: Every day from 6:00 am to 9:00 p.m.

- **Staff:** 5 employees will man this operation in different shifts.
- Parking: There are a total of 74 parking spaces held in common for the plaza.
- Landscaping: The landscaping, paving, and drainage for the entire plaza meets code.
- Menu: Applicant's menu consists of a variety of coffees, teas, and pastries.

REVIEW COMMENTS: Notices were sent out to property owners within a 200' radius of this business where staff has not received any comments in favor or against this request.

RECOMMENDATION: Approval subject to:

- 1. 1-year re-evaluation to assess this new operation
- 2. CUP is not transferable to others.
- 3. Continued Compliance with Building, Fire, Health, and Sign Codes
- 4. Acquisition of a business license

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

Vice Chairman Barrera asked the board if they had questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to approve the request as per staff recommendation. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:58 p.m. **Ended:** 6:02 p.m.

Item #1.7

Conditional Use Permit: Sale & On-Site Consumption of Alcoholic

Beverages – Primo Café in a property zoned

(C-2) Neighborhood Commercial

800 E. 1st Street

Lots 88 & 89, Mayberry Plaza UT No. 3

C-2

Primo Café

Ms. De Luna went over the write-up stating the subject site is located at the SE corner of Mayberry Road and E. 1st Street. The applicant desires a CUP for a restaurant and the sale and on-site consumption of alcoholic beverages at this location. The applicant proposes to sell a variety of food from appetizers, hotdogs, pizzas, tacos, burgers, sandwiches, etc. A restaurant is an allowable use under the C-2 zone with a conditional use permit.

- Days/Hours of Operation: Monday through Sunday from 7:00 a.m. to 10:00 p.m.
- Number of Employees: 5
- **Parking:** The applicant is proposing to have 15 tables with 4 chairs each, which equals to 60 chairs. This will require a total of 20 parking spaces. Currently the property has a total of 17 parking spaces, this means that the applicant will have to reduce the number of chairs to 50 chairs in order to comply with the parking requirements.
- Landscaping: Landscaping will be complied with.
- Sale of Alcohol Section 1.56 (3a) of the Zoning code requires such uses to be 300' from residential areas. There is a residential subdivision within this radius; P&Z and City Council waived this separation requirement in the CUP's previous approval.
- Must comply with all Building, Health and Fire Codes.

REVIEW COMMENTS: P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Notices were sent out to property owners within a 200' radius of this business where Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) 2-year approval at which time the applicant will have to renew their CUP and TABC license and 2) waiving the 300' separation requirement to residential neighborhoods.

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

Mr. Omar Hadroune the applicant stated the neighbor across the street gave him permission to use the parking spaced at her plaza. He added he would provide that information in writing.

Vice Chairman Barrera asked the board if they had questions.

Ms. De Luna stated if he wished to keep the same tables he would have to have additional parking.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to approve the request subject to the applicant providing a written permission for additional parking or modifying the tables to 50 instead of 60. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:02 p.m. **Ended:** 6:05 p.m.

Item #1.8

Conditional Use Permit: Drive-Thru Service Window

Cocina De La Abuela Tere 1500 W. Griffin Parkway, Ste. E

Being the S. 105' – W.180' – E. 440' out Of Lot 25-2, West Addition to Sharyland & Lot 1, Block B, Cinco De Mayo Ranch

C-3

Yvette Castañeda

Ms. De Luna went over the write-up stating the subject site is located on the NW corner of Wednesday and Griffin parkway. The applicant leased a 2,628 sq. ft. building which includes a drive-thru service window for her Mexican Restaurant. The location of the service window provides enough stacking for at least three vehicles. Access to the site is provided off of Wednesday via a 24' driveway. Over the past 10 years, various different CUP's have been awarded at this location for the use of the drive-thru window. However, since the CUP for a drive-thru window is not transferable to others the new operator would like to obtain her own permit. The last conditional use permit for this location was approved on October 23, 2017 for a period of 1 year.

- **Days/Hours of operation:** Monday from 7am to 3 pm, Tuesday closed, and Wednesday to Sunday from 7am to 3 pm.
- Staff: 5 employees.
- **Parking:** There are a total of 36 seating spaces which require 12 parking spaces (36/3 = 12). The site currently has 31 parking spaces held in common, thus meeting code.
- Must comply with the City's sign, landscaping, & fence buffer codes.
- Must comply with all Building, Fire, & Health codes.
- A new business license is required prior to occupancy

RECOMMENDATION: Approval subject to:

- 1. 1 yr. re-evaluation in order to assess this new operation;
- 2. Comply with all Building, Fire, & Health codes;
- 3. Comply with the sign code and replace fence buffer; and
- 4. Acquire a new business license prior to occupancy.

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

Vice Chairman Barrera asked the board if they had questions.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to approve the request as per staff recommendation. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:05 p.m. **Ended:** 6:07 p.m.

Item #1.9

Conditional Use Permit: The Sale & On-Site Consumption of

Alcoholic Beverages for a Social and/or

Cultural Event – Winter Texan Fiesta Outdoor Concert

202 W. Tom Landry

Lots 1-12, Block 174 & Lots 7-12, Block 175,

Mission Original Townsite

C-3

The Greater Mission Chamber of Commerce

Ms. De Luna went over the write-up stating the subject site is located at the Mission Market Square located 200' west of Conway Blvd. between Tom Landry and West 11th Street. The Greater Mission Chamber of Commerce (TCMCC) desires a CUP for the sale and on-site consumption of beer and wine at this location for an outdoor concert to be held on February 24, 2022. This event will have a total of 20 vendors with 2 live bands. All provisions to Chapter 10 – Amusements and Entertainment will need to be complied with.

- Hours of Event: 11:00 a.m. to 4:00 p.m. with live music from 12:00 p.m. to 3:30 p.m.
- Parking: Parking will be accessible from different city owned parking lots and the Mission CISD football stadium. There will be 2 shuttle buses that will be picking up attendees from these locations starting at 10:00 a.m., every 15 minutes and the last pickup will be at 4:30 p.m. Also, the TGMCC secured approval from Rio Valley Switching company to barricade a section of the railroad for attendees that would like to walk from Leo Pena Plaza to the event location.
- Sale of Alcohol Section 1.56 (3a) of the Zoning code requires such uses to be 300' from residential areas. There is a residential subdivision within this radius; P&Z and City Council have waived this separation requirement in the CUP's previous approval. Alcohol will only be sold between 12:00 p.m. to 3:30 p.m.
- The capacity for the event will be 4,000 attendees on the east property and 500 attendees on the overflow area.
- CDC protocol guidelines will be followed.
- Restrooms will be available on-site and security requirements will be complied with.

REVIEW COMMENTS: Notices were sent to property owners within 200' where staff has not received any comments in favor or against this CUP.

RECOMMENDATION: Staff recommends approval subject to: 1) waiving the 300' separation requirement from residential neighborhoods and 2) comply with the City's typical ordinances governing such uses.

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

Vice Chairman Barrera asked the board if they had questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to approve the request as per staff recommendation. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:07 p.m. **Ended:** 6:10 p.m.

Item #2.0

Conditional Use Permit: Fun Fair with Sale & On-Site Consumption of

Alcoholic Beverages from January 28th thru 30th, 2022 & a Carnival from January 20, 2022 to January 30, 2022

1300 W. IH 2 (Expressway 83)

Approximately 26 acres out of Lot 18-3 & 19-3,

West Addition to Sharyland

C-4

Texas Citrus Fiesta

Ms. De Luna went over the write-up stating the subject site is located at the NE corner of IH 2 (Expressway 83) and Los Ebanos Road. Texas Citrus Fiesta is seeking approval for the abovementioned CUP. Texas Citrus Fiesta Organizers have been given permission from the property owner to have the Fun Fair at this location from January 28, 2022 to January 30, 2022. The vendor and live entertainment setup for the Fun Fair will begin on Friday, January 28th at 10 am and will open to the public from 6pm to 12 am. On Saturday, January 29th they will open to the public from 11 am to 12 am.

The Carnival will start setting up on January 10, 2022 and they will open to the public on January 20 to January 30, 2022. All provisions of Chapter 10 – Amusements and Entertainment will need to be complied with in particular the insurance coverage, restrooms and security requirements. The carnival hours will be disclosed during the P&Z meeting.

- **Parking:** Parking will be accessible along an area on the west and north side of the property. The entrance to the property will be along Los Ebanos Road from a drive on the south of the property and another on the north of the property.
- CDC protocol guidelines will be followed.

REVIEW COMMENTS: There is a residential area to the east of the property. P&Z needs to consider waiving the 300' separation code that such amusements should be away from area homes. Notices were sent to property owners within 200' where Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) waiving the 300' separation requirement and 2) comply with the City's typical ordinances governing such uses.

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

Vice Chairman Barrera asked the board if they had questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to approve the request as per staff recommendation. Mrs. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:10 p.m. Ended: 6:11 p.m.

Item #3.0

Preliminary & Final Laguna Oaks Subdivision

Plat Approval: Being 11.861 acres out of Lot 16-1,

West Addition to Sharvland

PUD (R-1 Single Family Residential)

Developer: Emigdio Salinas

Engineer: M2 Engineering, PLLC

Ms. De Luna went over the write-up stating the proposed subdivision is located on the southeast corner of Inspiration and Mile One South Rd. The site was previously a golf course and presently has the typical terrain. The developer is proposing (43) Forty-Three single family residential lots.

WATER

The developer will connect to an existing 12" water line located along the south R.O.W. of Mile One South Rd. and extending an 8" water main thru the subdivision providing a 2" water service to each lot. There are 8 proposed fire hydrants to serve as filling stations via direction of the Fire Marshal's office.

SEWER

The sanitary sewer line will connect to an existing 8" line along and within the east R.O.W of Lake View Dr. A proposed 8" Sanitary Sewer main will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$8,800.00 (\$200 x 44 Lots).

STREETS & STORM DRAINAGE

The subdivision will have an access from Scenic Way Blvd. The proposed streets will be 32' Back-to-Back within a 50' Right of Way. The undeveloped land is shaped with various hills and low spots to serve its previous use as a golf course; the drainage patterns are non-uniform with runoff draining towards a few low spots with exiting grate inlets. The runoff is collected and conveyed to la Cuchilla Drain owned and maintained by The City of Mission at a rate of 25.50 CFS for a 10-year storm event. The storm runoff from the developed property including runoff from upstream drainage areas shall be detained for a 50-year frequency storm event and released at the pre-developed peak discharge rate for a 10-year storm event. The proposed drainage infrastructure for phase I will consist of seven (7) proposed curb inlets that will collect and convey the storm runoff to proposed onsite detention areas. All of the proposed drainage for Laguna Oaks Master Plan will be installed during Phase I, designed to accommodate the City of Mission's Master Drainage Plan. The required detention for a 50-year frequency storm event is 2.94 acrefeet (128,278 CF), and the detention areas are proposed to provide 3.00 acre-feet (130,556 CF). The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Water District Exclusion
Escrow Park fees (43 Lots x \$500 = \$21,500.00)
Installation of Street Lighting as per City Standards
Must comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

- 1. Payment of Capital Sewer Recovery Fee's
- 2. Provide Water District Exclusion

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to approve the request as per staff recommendation. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

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

ITEM #4.0

Request by R.G.V. Villa Development, LLC to have P&Z waive 6-month waiting period in order to reconsider a change of zone being a 8.93 acre tract of land, more or less, out of Lot 26-10, West Addition to Sharyland Subdivision

There being no discussion, Vice Chairman Barrera entertained a motion. Mrs. Alvarez moved to approve the request. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #5.0 ADJOURMENT

There being no further items for discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to adjourn the meeting. Mr. Hardison seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:11 p.m.

Javier Barrera, Vice Chairman Planning and Zoning Commission