

**PLANNING AND ZONING COMMISSION**  
**MARCH 24, 2021**  
**CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

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

**P&Z ABSENT**

**STAFF PRESENT**

Susana De Luna  
Irasema Dimas  
Jessica Munoz  
Alex Hernandez  
Cynthia Gonzalez

**GUESTS PRESENT**

Arturo Diaz  
Rafaela Flores  
Lydia Espinoza  
David Salinas  
Julio Garibay  
Daniel Sylvia  
Jerry Leal  
Jorge De Leon

**CALL TO ORDER**

Chairwoman Diana Izaguirre called the meeting to order at 5:31 p.m.

**CITIZENS PARTICIPATION**

Chairwoman Diana Izaguirre asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR MARCH 10, 2021**

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 10, 2021. Mr. Ruben Arcuate moved to approve the minutes as presented. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:32 p.m.**

**Ended: 5:41 p.m.**

**Item #1.1**

**Rezoning:**

**Being a 1.01 gross acre tract of  
land, more or less, out of Lot 23-1,  
West Addition to Sharyland Subdivision  
1700 N. Inspiration Road  
AO-I to R-3  
Jorge L. De Leon**

Ms. De Luna went over the write-up stating that site was located approximately ¼ mile north of Barnes Street along the east side of Inspiration Road.

**SURROUNDING ZONES:**

N: AO-1 – Agricultural Open Interim  
E: R-1 – Single Family Residential  
W: AO-1 – Agricultural Open Interim

S: AO-1 – Agricultural Open Interim

**EXISTING LAND USES:**

N: Single Family Home  
E: Single Family Homes  
W: Single Family Homes  
S: Apartments  
Site: Vacant

**FLUM:**

Moderate Density Residential (MD)

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

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

Mrs. Rafaela Flores who resides at 1710 N Inspiration Road stated that she was in opposition. She added she had lived there for over 43 years. She was one of the first home owners there. She was opposed to the R-3 rezoning of the neighboring property because an R-3 rezoning would bring more people, less privacy, increase traffic, safety issues, increase noise levels, and decrease in property value. The R-3 multi-family zoning does not follow the city's future land use map. The R-3 multi-family residential district identified that this is a high-density residential development and the future land map identified this area as a high density. This will cause people parking in the right away and would not be able to exit her home safely.

Mrs. Rafael Flores asked how many apartments are proposed to be built in the property? Is a fence being proposed? If so, what type of material? Where will a dumpster be placed on the property? Can you ensure a storm water/drainage will not go to my property?

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Debra Alvarez asked if staff could approve the request based on the future land use map? Why was Mrs. Flores saying that is incorrect?

Ms. De Luna stated it was a modern density but apartments are allowed on modern density. The zone is immediately next door to existing apartments.

Chairwoman Izaguirre asked if the future land use map allow that type of rezone?

Ms. De Luna replied, "yes"

Mrs. Debra Alvarez asked how many apartments are they proposing to build?

Ms. De Luna mentioned that information was not available at that time. The applicant only submitted for the rezoning request.

Chairwoman Izaguirre added that the rezone is what is being discussed at the moment. After the rezoning the plans would be reviewed by Planning and Zoning and the engineering department.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcuate moved to approve the R-3 request as per staff's recommendation. Mr. Moreno seconded the motion. Upon a vote, the motion passed 3-2 with Mrs. Debra Alvarez and Raquenel Austin dissenting.

**Started: 5:41 p.m.**

**Ended: 5:48 p.m.**

**Item #1.2**

**Conditional Use Permit:                      To keep a Portable Building for  
Office Use – Rio Grande Trailer Sales LLC  
2400 N. Conway Avenue  
C-3  
Michael Adams**

Ms. De Luna went over the write-up stating that the subject site is located on the NE corner of Conway & Rose Marie. The request is to keep a 12' x 20' portable building to be used as a sales office for RV's. This same portable building has been used as a sales office and since the CUP is not transferable to others, the applicant desires his own CUP to continue the use. The applicant is proposing to display 4-5 RV's along the front of the property.

- **Hours of Operation:** Monday – Saturday from 9 am to 5 pm

- **Staff:** 1 employee

**Parking & Landscaping:** A minimum of 5 parking spaces are required for the proposed use based on the square footage of the building. On landscaping the applicant will be placing planters in front of the building and along the side of Rose Marie.

**RECOMMENDATION:** Staff recommends approval subject to: 1) 1-year re-evaluation to assess this new operation, 2) Compliance with the Building, Fire and Sign Codes and Acquisition of a Business License.

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.

Mrs. Debra Alvarez asked if their would-be requirements for the applicant as to how far back the RV's will be from Conway Avenue?

Ms. De Luna stated they would have to be parked close to the building.

Mrs. Debra Alvarez asked how big are the proposed RV's?

Ms. De Luna mentioned that staff does not have those measurements at the moment.

Mrs. Raquenel Austin asked if he wanted to display 4-5 RV'S?

Ms. De Luna stated that the applicant had proposed 4-5 RV's but if needed he would be displaying less RV's. Ms. De Luna added that the applicant had an alternate location where he stored the RV's this location would help only for sales.

Mrs. Debra Alvarez asked if he owned or did he lease the property?

Ms. De Luna added that the applicant was leasing the property.

Chairwoman Izaguirre asked where would customers park if the RV's would be parked in the front?

Ms. De Luna mentioned cars would park on existing parking on the side of the building.

Chairwoman Izaguirre asked if the parking lot was restriped?

Ms. De Luna replied, "yes".

Mrs. Raquene Austin mentioned that the applicant should know the measurements of the RV's and if they would fit or not in that space. She added she wouldn't know how everything would work out with 4-5 RV's.

Mrs. Debra Alvarez stated she did not like the operation of staff wanting to approve the sales of RV's in that area between two restaurants in the heart of North Mission.

Ms. De Luna stated she understood Mrs. Debra Alvarez concerns but the use is allowed in that property. She added that what was being considered was the actual portable building because the RV's could be there without the portable building.

Mr. Jason Hardisen suggested to "Table" the item.

Chairwoman Izaguirre agreed.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Jason Hardisen moved to "Table" the item. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:48 p.m.**

**Ended: 5:53 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcohol**

**Beverages – Buzz Box**

**801 N. Bryan Road, A7**

**Lot 1, Tamkin Subdivision**

**I-1**

**Buzz Box**

Ms. De Luna went over the write-up stating that the subject site is located on the SW corner of Bryan Road and Business Highway 83. The applicant has placed an 12' x 20' storage container (pod) with an upper deck within the CEED mobile food park and would

like to offer and sell alcoholic beverages from it. This would be the first request the City gets for type of structure and use.

- **Employees:** 3 employees
- **Hours of Operation:** Thursday 4 pm to 10 pm, Friday 4 pm – 12 am, Saturday 12 pm to 12 am, and Sunday 11 am – 8 pm
- **Parking:** There are currently several existing parking areas shared with the various businesses within the CEED building – see aerial. It is noted that parking is held in common and there is a total of 221 total parking spaces.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are no such uses within this radius.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes

**RECOMMENDATION:** Staff seeking direction

Note:

If the board is inclined to approve the request then staff would recommend the following:

1) CUP to be valid from a period of 2 years at which time the applicant will need to renew their CUP and their TABC license, 2) Must continue to comply with all 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.

There was none.

Chairwoman Izaguirre asked if the board had any questions.

Chairwoman Izaguirre asked if the building was already there?

Ms. De Luna replied, "yes".

Mrs. Debra Alvarez asked if the building was next to B9?

The applicant, Mr. Jerry Leal stated that was correct.

He added that they had fenced 400' around the food truck area at the request TABC.

Chairwoman Izaguirre asked if the pictures are the final result of when the business opens?

Mr. Leal replied, "yes".

Chairwoman Izaguirre asked what was going to be on top of the food truck?

Mr. Leal stated he was going to put an artificial turf and wanted to place a DJ booth. He would be promoting the venue as a Sunday-Funday. He mentioned he would be providing yoga and mimosas.

Chairwoman Izaguirre asked if the public would be going to the top of the food truck?

The applicant stated he was going to install countertops at the top. He added he is still working on the top part of the food truck. He mentioned it was about 60% done.

Mrs. Debra Alvarez asked Ms. De Luna if staff was making sure that all the food trucks were turning in their insurance certificates?

Ms. De Luna stated Mr. Daniel Silva is requiring the insurance certificates.

Mr. Daniel Silva replied, "that's correct".

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

**Started: 5:53 p.m.**

**Ended: 5:59 p.m.**

**Item # 1.4**

**Conditional Use Permit:**

Drive-Thru Service Window – Little Caesars  
2306 E. Expressway 83, Ste. 12  
Lot 1, Cimarron Crossing Subdivision, Ph 1  
C-3  
Jose Arturo Diaz

Ms. De Luna went over the write-up stating that the subject site is located at the SW corner of Expressway 83 Frontage Road and Cecilia Lane along the west side of Cecilia Lane. The applicant is proposing a Little Caesars for this location with a drive-thru service window. Access to the site, is being proposed from a 10' driveway from Cecilia Lane. The drive-thru service window will allow for 5 vehicles to be easily stacked. The design will mirror the one along the west side of the building with the exception of the traffic flow. There have been no reported issues with the existing drive-thru window in use by Antojitos Mexicanos in the same plaza.

- **Hours of Operation:** Monday - Thursday from 10:30 am to 11 pm, and Friday – Sunday from 10:30 am to 11:30 pm
- **Employees:** 35 employees in different shifts
- **Parking & Landscaping:** It is noted that a total of 105 parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping is existing and in compliance to code.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.

Notices have been sent out to surrounding property owners within a 200' radius and as of this write-up no comments in favor or against this request have been forwarded to the Planning Department.

**RECOMMENDATION:** Staff recommends approval subject to: 1) 1-year approval in order to assess this new operation, 2) Must comply with all Building, Fire and Health Codes, and 3) Must acquire a business license.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Debra Alvarez asked Ms. De Luna if there was already an existing drive-thru there?

Ms. De Luna mentioned there is an existing drive-thru window already at the location.

Mrs. Debra Alvarez asked what are the dimensions?

Ms. De Luna stated the drive-thru window is actually 10ft wide. She added it was similar to Antojitos Mexicanos.

Mrs. Debra Alvarez asked where is the entrance to the drive-thru window?

The applicant Mr. Arturo Diaz mentioned the entrance of the drive-thru window was on the back side. He added the drive-thru window was already built by the land owners last year. He mentioned the drive-thru window had plenty of space for a truck.

Mrs. Debra Alvarez asked Ms. De Luna if staff had gone out to the property to inspect?

Ms. De Luna stated it had been inspected and approved.

Chairwoman Izaguirre asked if the concrete for the drive-thru lane was there already?

Mr. Diaz replied, "yes" that's correct.

Mr. Alex Hernandez stated the picture shown was not to scale, so it was not accurate to what was actually at the property. He added that the drive-thru lane was 10ft wide from the building to the sidewalk. There was no gap in between.

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

#### **ITEM #1.5**

##### **Discussion and Action to Amend the Noise Ordinance.**

**Ms. De Luna stated that she would like to take no action on the amendment as staff is still working on it.**

**No action was taken**

**Started: 5:59 p.m.**

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

#### **ITEM #1.6**

##### **Discussion and Action to Amend Inspections and Planning Fees.**

Ms. De Luna went over the write-up stating that staff has compared Inspections and Planning fees with other municipalities and have determined the need to adjust and approve new fees for some services provided to our citizens.

**Inspections:**

1. Plumbing Permit fee – currently fee is calculated by the total square footage of a home, yet the plumbing work is not done on all the home, therefore, we suggest to charge by fixtures like it was previously done.
2. Gas Permit – increased the base fee to be compatible with other cities.
3. Swimming Pool Permit – currently swimming pool permit are calculated by the value. Our inspectors have notices that for the most part contactors input a lesser amount to pay less on the permit. Inspectors would like to have a set fee of \$300.
4. Solar Panel Permits – currently calculated by cost. Inspectors would like to have a set fee of \$300.
5. Commercial Remodeling Permits – currently charged .15 square feet. Inspectors would like to charge permit based on cost of construction.

**Planning & Zoning:**

Currently, the City incurs all the cost for voluntary annexations, such as certified letters to entities and publications. Fees is merely just to recover costs

Chairwoman Izaguirre asked when was the last time this was reviewed?

Ms. De Luna stated this was last seen about two years ago.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. 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: 6:02 p.m.**

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

**ITEM #1.7**

**Discussion and Action to Implement No Parking on Grass Ordinance for Residential Properties**

Ms. De Luna went over the write-up stating that a direction was given to my department to work on an ordinance that would help beautify our City and promote green landscaping. Our Code Enforcement Department was enforcing this based on off-street parking definition but after further review and after conferring with our City Attorney & Judge it was determined that an adoption of an Ordinance would be needed in order to correctly enforce this violation. By implementing this ordinance, it would help our citizens have green grass in their properties and have their vehicles parked on their driveways.

**\*Off-street parking space** means an area (with all-weather surface or paving as required by use) no part of which is closer than eight feet from the back edge of the curb, the width and length of which shall be a minimum of 9 feet by 18 feet, or the width and length of which shall exceed by a minimum of two feet the dimensions of the type of vehicle normally to be parked in the space, and connected with a street or alley by a driveway affording satisfactory ingress and egress.

Chairwoman Izaguirre asked if the board had any questions.

Mr. Arcuate asked if this would apply during holidays or family gatherings?

Ms. De Luna stated that this was more targeted on a daily basis or year-round.

Mrs. Debra Alvarez stated she does see junked cars everywhere and it does not look good, and she likes this initiative.

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

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

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

**Item # 2.0**

**HOMESTEAD EXEMPTION VARIANCE:**

**The East 100' of the West 300'  
Of the south 104' of Lot 30-12  
West Addition to Sharyland Sub.  
AO-1  
Julio Cesar Garibay**

Mrs. De Luna went over the write up stating that this tract is located 300' east of Stewart Road along the north side of Bluerock Road. The lot measures 100' x 104' or 10,400 sq. ft. The lot exceeds the square footage size requirements for an R-1 lot. The applicant desires to construct her single-family residence thereon. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single-family home.

**WATER** – The applicant is proposing to connect to an existing 6" water line located along Bluerock Road to provide water service to the lot.

**SEWER** – The applicant is proposing to connect to existing 6" sanitary sewer line located along Bluerock Road to provide sewer service to the lot. The capital sewer recovery fee is waived via the HEV.

**STREETS & STORM DRAINAGE** – The subject site has frontage to Bluerock Road, which is an older County Road which only has 20' of ROW. Since this area is developed, no additional ROW will be required at this time. Drainage will be onsite.

**OTHER COMMENTS**

- Must comply with Model Subdivision Rules.
- Must dedicate water rights.
- The street light requirement is also waived via the HEV.
- The park fees are also waived.

**RECOMMENDATION:** Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairwoman Izaguirre asked if the board had any questions.

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

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

**Ended: 6:11 p.m.**

**Item # 3.0**

**PRELIMINARY & FINAL**

**PLAT APPROVAL:**

**Trosper Fair Heights Subdivision  
Being a 5.0 Gross acre tract of land,  
Out of Lot 29-4, West Addition to Sharyland  
R-1  
Developer: Heydis Sanchez & Efrailan Marin  
Engineer: Salinas Engineering & Assoc.**

Ms. De Luna went over the write up stating that the proposed subdivision is approximately 355ft North of Mile 2 North Road along the West side of Trosper Road. The developer is proposing (22) Twenty-two lots — (21) Twenty-one Single Family Residential lots and one lot for drainage detention pond.

### **WATER**

The developer is proposing to connect from an existing 12" water line located along north side of Mile 2 North Road and looped thru the subdivision with a proposed 8" water line and connecting back to Trosper Road to service to each lot. There are proposing 2 fire hydrants as via direction of the Fire Marshal's office.

### **SEWER**

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 8" sanitary sewer line along the east side of Trosper Road. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to **\$4,200.00** (21 Lots x \$200.00).

### **STREETS & STORM DRAINAGE**

The proposed internal street is a 32' Back to Back within a 50' Right of Way. Access will be from Trosper Road. The proposed drainage system shall consist of 2 Inlets within the street to collect surface runoff from the lots and street. Storm Pipe is a 30" R.C.P. and will discharge into a detention pond that is a reserved (lot 22) of this subdivision. The detention pond shall discharge via a 10" P.V.C. line into the existing City of Mission 36" storm drain located along Trosper Road. Then to discharges into the Hidalgo County Drainage District #1. The City Engineer has reviewed and approved the drainage report.

## **OTHER COMMENTS**

Water District Exclusion

Escrow Park fees (21 Lots x \$500 = **\$10,500.00**)

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, and 3) Comply with all other format findings.

Chairwoman Izaguirre asked if the board had any questions.

Mr. Hector Moreno asked who would be maintaining the detention pond?

Mr. Mario Salinas replied that an HOA will be formed.

Chairwoman Izaguirre asked if the detention pond would be a lot? Would it be numbered as a lot?

Mr. Mario Salinas stated that it could be a lot it could be done however the city would want to be.

Chairwoman Izaguirre asked if JP reviewed this plat?

Ms. De Luna stated that our city engineer reviewed this plat.

Chairwoman Izaguirre asked if his leaving this pond as a lot?

Mr. Alex Hernandez mentioned it doesn't need to be a lot it could just be a common lot not necessary a number.

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

## **ITEM #5.0**

### **ADJOURNMENT**

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

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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission