

**PLANNING AND ZONING COMMISSION
MARCH 9, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Hector Moreno
Debra Alvarez
Jasen Hardison
Raquenel Austin
Connie Garza
Javier Barrera

P&Z ABSENT

Ruben Arcaute

STAFF PRESENT

Susana De Luna
Alex Hernandez
Irasema Dimas
Cynthia Gonzalez
Abel Bocanegra
JP Terrazas
Gabriel Ramirez

GUESTS PRESENT

Michael
Julio C. Bravo
Angela Villasana
Monica Guerrero
Javier Hinojosa
Javier Villarreal
Judy Kreps President
Jim
Mr. & Mrs. Garcia
Julissa
Mike & Mary
Norma Fleitas
Maria Esther Peña Salinas
Beatriz Garcia
Hector Cavazos
Dina Salinas

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:41 p.m.

CITIZENS PARTICIPATION

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

There was none

APPROVAL OF MINUTES FOR FEBRUARY 23, 2022

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 23, 2022. Mrs. Alvarez moved to approve the minutes as presented. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 6:24 p.m.

Item #1.1

Rezoning:

**The South 208.7' of the East ½
of the North 20 acres out of Lot 24-10,
West Addition to Sharyland Subdivision
C-1 to R-3
Jose R. Carreras**

Ms. De Luna went over the write-up stating the subject site is located 400ft South of E. Griffin Parkway along the West side of N. Bryan Road.

SURROUNDING ZONES:

N:	C-1	– Office Building
E:	R-1	– Single Family Residential
W:	R-1	– Single Family Residential
S:	AO-I	– Agricultural Open Interim

EXISTING LAND USES:

N:	Office Use
E:	Residential
W:	Residential
S:	Residential
Site:	Residential

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. However, a R-3 (Multi-Family Residential Zone) is a lesser dense than an office building zone and perhaps a better neighbor. Staff, also notes that similar requests have been approved where you have a commercial zone property and adjacent you have a multi-family residential property.

RECOMMENDATION: Staff is seeking direction.

Chairwoman Izaguirre suggested that the applicant and the neighbors get together and discuss the development.

No action was taken

Started: 6:25 p.m.

Ended: 6:26 p.m.

Item #1.2

Rezoning:

**The North 75’ of Lot 30,
Bell-Woods Co’s Subdivision “C”
AO-I to R-3
Javier Villareal**

Ms. De Luna went over the write-up stating the subject site is located 780ft of W. Mile 2 Road along the West side of N. Conway Ave.

SURROUNDING ZONES:

N:	AO-I	– Agricultural Open Interim
E:	C-3	– General Commercial
W:	AO-I	– Agricultural Open Interim
S:	C-3	– General Commercial

EXISTING LAND USES:

N:	Residential
E:	Commercial/First Cash Pawn/Centro Familiar Cristiano
W:	Vacant
S:	Commercial / Go Car Wash
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.

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

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

Started: 6:26 p.m.

Ended: 6:39 p.m.

Item #1.3

Rezoning: The East 165.80', More or Less of
Lot 1, and the North ½ of Lot 24,
Basham Subdivision Unit No. 6
AO-I to C-1
Julio Cesar Bravo

Ms. De Luna went over the write-up stating the subject site is located approximately ½ mile North of W. Mile 2 Road along the East side of N. Inspiration Road.

SURROUNDING ZONES:	N:	AO-I	– Agricultural Open Interim
	E:	R-1	– Single Family Residential
	W:	R-2	– Duplex-Fourplex Residential
	S:	R-1	– Single Family Residential

EXISTING LAND USES:	N:	Vacant
	E:	Residential
	W:	Apartments
	S:	Vacant/Residential
	Site:	Residential

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City’s Future Land Use Map, and surrounding land uses. An office building zone will be intrusive to the surrounding properties.

RECOMMENDATION: Staff is recommending Denial.

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

Mrs. Monica Guerrero who resides at 712 W. 27th Street stated she in favor of this request. She stated she was the owner and the applicant applied for the request because they have a plan to build a clinic.

Chairwoman Izaguirre asked the board if they had questions.

Mrs. Alvarez stated it was a great idea to have a clinic close to the neighborhood.

Chairwoman Izaguirre asked if a clinic would fit in a lesser dense.

Ms. De Luna stated a C-1 was the lowest density for commercial.

Mrs. Guerrero stated Inspiration Road was just expanded and there is a supermarket, a dollar general, drive-thru, and an auto-sales.

Mrs. Beatriz Garcia who resides at 1813 Azalea Street stated via zoom chat that she was against the request because the traffic would increase much more and it was dangerous for the kids in the area. She added that property taxes would increase.

Chairwoman Izaguirre had to excuse herself from the meeting.

Vice-Chairman Barrera took over the meeting.

Mr. Hector Cavazos who represented the applicant stated it would be a state of the art medical clinic for adults and pediatrics clinic. He added the building would be a maximum of 5,000 square feet and the office would mostly run my appointments only. He mentioned it would improve the neighborhood.

There being no discussion, Vice Chairman Barrera entertained a motion. Mrs. Alvarez moved to approve the C-1 request. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:39 p.m.

Ended: 6:42 p.m.

Item #1.4

Rezoning:

**That 1.30 acre portion of Lot 4,
J.E. Leslie Subdivision
C-3 to R-3
Nan-Avi Management, LLC**

Ms. De Luna went over the write-up stating the subject site is located approximately 1/8 of a mile West of Taylor Road along the South Side of Bus. Hwy. 83(Loop 374).

SURROUNDING ZONES:

N:	P/C-4	– Public Zone/Heavy Commercial
E:	C-3	– General Business
W:	C-3	– General Business
S:	R-3	– Multi-Family Residential

EXISTING LAND USES:

N:	School
E:	Commercial

W: Commercial
S: Apartments
Site: Commercial

FLUM: General Commercial (GC)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. However, a R-3 (Multi-Family Residential Zone) is a lesser dense than an general business zone and perhaps a better neighbor.

RECOMMENDATION: Staff is recommending Approval.

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

The owner of the property stated currently there was a CrossFit gym at the site. She added they wanted to make the site multi-family homes and make a nice parking and demolish the building that is currently at site.

Vice Chairman Barrera asked the board if they had questions.

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

Started: 6:42 p.m.

Ended: 6:56 p.m.

Item #1.5

Conditional Use Permit: La Muñequita Ranch Event Center
in a Property Zoned (AO-I) Agricultural Open Interim
3608 Compton Drive
Being the North 4 acres of Lot 35, and the
South 1.98 acres of Lot 34, Bell-Wood Company's
Subdivision "C"
AO-I
Dina Salinas-Valdez

Ms. De Luna went over the write-up stating the subject site is located ¼ mile north of 2 Mile Road along the east side of Compton Road. The applicant has been running La Muñequita Ranch for more than 14 years. It was recently discovered by our Code Enforcement Department that this business has been running without the proper permits. When notified of the violation, the applicant contacted the city to acquire all the necessary permits to bring her business into compliance, therefore the need for the request. This is a family operated property that has several amenities such as a pond, stage, and kitchen, used for private family and rental events such as outdoor birthday parties, small weddings, quinceañeras, sweet 16, and other gatherings. Access to the property is off of a dirt road off of Compton Road.

Section 1.36(3)(e) of the Zoning Code stated that Outdoor commercial recreations are allowed with a conditional use permit.

- **Days/Hours of Operation:** Sunday – Thursday from 8 am – 5 pm due to property management and upkeep, and Friday & Saturday from 10 am to midnight depending on scheduled events.
- **Parking:** The applicant proposed to have a maximum of 150 guests, which would require 50 parking spaces (1 parking space for every 3 seats). She has an area designated for parking, which would have to be properly resurfaced and striped.
- Compliance with all Building, Fire, Health and Sign Codes.

REVIEW COMMENTS: Staff mailed out notices to property owners within 200' radius and as of 2/18/22 staff has not received any comments in favor or against this request. Staff has checked with the Police Department for any complaints regarding this use and no reports have been filed.

RECOMMENDATION: Since this business has been in operation for more than 14 years without any complaints, Staff recommends approval for life of use subject to:

- 1) Resurface & re-stripe area designated for parking,
- 2) Meet Noise, Insurance, and any other related Codes, and
- 3) Acquisition of a business license.

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

Mrs. Maria Esther Pena Salinas who is against the request stated she owned the next 3 acres adjacent to the business. She stated her main concerns were that the business has been running for the past 14 years and has not been in compliant. She stated she is a victim. Her family has been harassed and they have owned those properties since 1964. She added there was too many violations and too much traffic.

Mrs. Esther Salinas stated Mr. Valdez demolished a wall that did not belong to him.

Mrs. Dina Salinas the owner of the property stated she has lived there for 19 years and she has had no neighbors who live there. She stated Mrs. Ester Salinas has not lived there and never goes by there. She added Mrs. Salinas has been going there for the past month and sits on her car and points her cellphone to her and her children.

Mrs. Dina Salinas stated her husband does not live there only her children and herself. She added Mrs. Esther Salinas has a mobile home that she uses as a storage and has a mattress at the front of her property. She mentioned she has no problems with Mrs. Esther Salinas and she has tried to approach her but she ignores her. She added the wall Mrs. Esther Salinas mentioned does belong to her and they could do whatever they want with it.

Vice Chairman Barrera asked the board if they had questions.

Mrs. Connie Garza asked Mrs. Dina Salinas if the property was fenced.

Mrs. Dina Salinas stated the property was fenced and had an electric gate. She added that for events they require insurance and they provide a security from the county.

Mrs. Debra Alvarez stated she was going to abstain from voting. She added she gave her some suggestions for her business. She mentioned that the business was being handled by her husband but now her children and Mrs. Salinas were running the business and are the legal owners.

Mrs. Alvarez added the stop sign should have not been a stop sign. She added the sign was going to be replaced with a sign for the event center.

Mrs. Dina Salinas made one last comment stating she was the owner of 50 of the 60 acres around the area.

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

Started: 6:57 p.m.

Ended: 6:59 p.m.

Item #1.6

Conditional Use Permit:

Drive-Thru Service Window -

A-1 Professional Dry Cleaners

2515 S. Colorado, Suite 11

Lot 2, Block 2, Santa Lucia Development Subdivision

C-3

A-1 Professional Cleaners

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 has leased a suite within this 13,201 sq. ft. commercial plaza to have a professional dry cleaner with a drive-thru service window. Several tenants have successfully operated the use of the drive-thru window from this location in the past. The last approval for this location was on December 16, 2019 for life of use. Since the conditional use permit is not transferable to others, the applicant wishes to apply for their own permit. Access to the site is provided off Colorado and Taylor through existing 24' driveways. Customers can park within the shared parking area to walk in and deliver their clothing, or they can use the drive-thru service window.

- **Days / Hours of operation:** Monday - Friday from 8:00 a.m. to 7:00 p.m. & Saturday from 9:00 a.m. – 2:00 p.m.
- **Staff:** a total of 2 employees will man this operation.
- **Parking:** There are a total of 86 parking spaces held in common for the plaza. In speaking to the applicant, a large portion of her business is through the drive-thru service window, thus staff does not anticipate any concerns with parking. Landscaping requirements are being met.

RECOMMENDATION: Approval subject to: 1) 1 year re-evaluation to assess this new operation, 2) compliance with Building, Fire, and Sign Codes, 3) CUP not transferable to others, and 4) obtain a business license.

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

There was none

Vice Chairman Barrera asked the board if they had questions.

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

Item #1.7

Discussion and Action on Valley View Estates & Valley View Citrus Grove Addition

Ms. De Luna went over the write-up stating that there are 221 lots total in both Valley View Estates & Valley View Citrus Grove Addition. Code Enforcement did a sweep on November 8 & 9, 2021 and 90% of Valley View Estates & Valley View Citrus Grove Addition are in violation. Violations include:

- Double Occupancy
- Construction w/no permits
- Not meeting required building setbacks
- Exceed # of storage sheds allowed
- Junk Vehicles
- Health & Sanitation

150 violations – Staff can't proof whether a permit was obtained or not due to software not being backed up or records have been destroyed (records only kept for 5 years for additions, accessory structures, shed, etc.) 60 violations – can be proven by staff.

Research was done using Incode Permitting Software & Appraisal District Information from the year 2000 and up. After conferring with Public Works & Water Department staff cannot determine the number of lots that have double occupancy because its included in their water bill.

Code Enforcement Plan of Action

Code Enforcement Division:

1. Advise residents of violations found on property via letter giving them time to comply.
2. Property owner to correct violation and advise City of compliance, once verified by Code Officer case will be closed.

Suggestion: Grandfather violations such as: Double Occupancy, construction w/out permit, not meeting setbacks, exceeding # of storage sheds allowed via a Hold Harmless Agreement that our City Attorney would prepare and paying \$150 for violation and to record document at the Hidalgo County Clerk's Office. Violations for Junk Vehicles/Health & Sanitation would need to be complied with.

Any suggestion or alternative option would have to be presented to the Zoning Board of Adjustments for consideration and approval before we can move forward with anything. If ZBA is receptive and approves the suggestion then:

1. Property owner contacts City, staff will prepare hold harmless agreement stating that listed violations will remain "as is". Now if the structures are removed they would need to comply with original setbacks. This document will be signed and recorded.
2. Any new construction will require a Homeowners Association letter of approval.

Mrs. Alvarez stated there was an HOA but they never administered new structures.

Ms. De Luna stated it was not an active HOA. She added they recently added new board members that are active.

Mrs. Austin asked if there were any complains within the neighbors.

Ms. De Luna stated staff received some complaints and that was the reason why staff went in to the park to check for violations. She added staff met with some residents and they are receptive to the staff suggestions.

Mrs. Austin asked if any structures were hazardous.

Ms. De Luna stated staff went out to the site to see what kind of violations were in place.

Mr. Barrera asked on the double occupancy.

Ms. De Luna stated back in 2000 council approved 66% to have double occupancy. She added any new constructions would need an HOA approval and a permit.

Mrs. Garza asked if they had any rules since most HOA's have rules and regulations that have to be followed.

Ms. De Luna stated we did not have copies of the regulations and the city does not enforce those rules and regulations.

A resident stated some property owners just bought their property and the structures were already on the property.

After a brief discussion the Planning & Zoning Board agreed for property owners to obtain a building permit & sign a hold harmless agreement but without a fee. New structures would require a approval from the HOA and a permit.

Started: 7:24 p.m.

Ended: 7:25 p.m.

Item #1.8

Preliminary & Final

Replat Approval:

**Replat of Lot 8 and Lot 9, M.E.D.C. Subdivision
A tract of land containing 2.79 acres, more or less,
being Lot 8 and Lot 9, M.E.D.C. Subdivision
C-3**

**Developer: Mission Economic Development Corp.
Engineer: Javier Hinojosa Engineering**

Mrs. De Luna went over the write-up stating the replat of Lots 8 & 9 is within the M.E.D.C Subdivision located at the northeast corner of Victoria Drive and Grapefruit Boulevard. The developer is proposing to relocate the common boundary between Lots 8 and 9 and its commercial use remains the same.

UTILITIES

When M.E.D.C Subdivision was subdivided, water and sewer services were made accessible to each lot. This replat will not affect any utility lines or the availability to connect to them upon issuance of permits.

STREETS & STORM DRAINAGE

This is a simple re-plat; all roads and drainage infrastructure for M.E.D.C Subdivision is complete to include drainage and paving improvements. Inlets were placed along the streets and within the parking lots to collect storm water. Pipe sizes ranged from 18" to 36" RCP at the outfall into a 150' drainage ditch. Detention requirements would require 9,895 cubic feet (0.227 ac.ft.) for a 10-year storm or 20,545 cubic feet (0.472 ac.ft.) for a 50-year storm. Detention was accomplished by widening the west side of the drainage ditch that runs along the east side of the development. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Must comply with all other format findings
- Street lighting already exists

RECOMMENDATION

Staff recommends approval subject to complying with all typical format findings.

Vice Chairman Barrera asked the board if they had questions.

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

Started: 7:25 p.m.

Ended: 7:27 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

**Sendero Phase I Subdivision
Being a resubdivision of 54.338-acre tract
Of land out of the south end of Porcion 52
PUD (R-1)
Developer: Rhodes Development, Inc.
Engineer: Melden & Hunt, Inc.**

Mrs. De Luna went over the write-up stating the proposed subdivision is part of a master plan located approximately 397' west of S. Inspiration Road and along the south side of Mile One South Road. The developer is proposing (153) One Hundred Fifty-Three Single Family Residential lots.

WATER

The developer is proposing to connect to an existing 12" water line located along the south R.O.W. of Mile One South Rd. and extend an 8" water line through the subdivision providing a 2" water service to each lot. There are 11 proposed fire hydrants via direction of the Fire Marshal's office.

SEWER

The developer is proposing to connect to an existing manhole within the R.O.W. at the southern access of the development and extend a 12" line west along the north side of the Perezville Ditch. A proposed 8" Sanitary Sewer line 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 \$30,600.00 (\$200 x 153 Lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 32' Back-to-Back within a 50' Right of Way, access will be from Mile One South Rd. and/or Inspiration Rd. The proposed storm drainage system will consist of multiple curb inlets ranging in size from 24" to 42" RCP. Surface and street runoff will be caught by said inlets and conveyed via storm lines into the Perezville Drain (owned by H.C.D.D. No. 1) adjacent to south side of this property and ultimately have an outfall into the Mission Pilot Channel system of the H.C.D.D No.1 via 5'x5' box culvert under the United Main Canal. The development is included in Drainage Basins 26 & 32 of the Bentsen Palms Master Drainage Study. The required detention of 278,000 cubic feet (6.336 ac-ft) shall be provided within the Perezville Drain Ditch widening. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

No Park Fees – Mike Rhodes dedication of park land still stratifies the park Dedication Ord.
Installation of Street Lighting as per City Standards

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees
2. Provide Water District Exclusion
3. Comply with all other format findings

Vice Chairman Barrera asked the board if they had questions.

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

ITEM #3.0

ADJOURMENT

There being no further items for discussion, Vice Chairman Barrera entertained a motion. Mrs. Austin moved to adjourn the meeting. Mrs. Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 7:22 p.m.



Javier Barrera, Vice Chairman
Planning and Zoning Commission