

PLANNING AND ZONING COMMISSION
MAY 11, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Debra Alvarez
Connie Garza
Javier Barrera
Raquenel Austin
Hector Moreno

P&Z ABSENT

Diana Izaguirre
Jasen Hardison
Ruben Arcaute

STAFF PRESENT

Susana De Luna
Alex Hernandez
Jessica Muñoz
Cynthia Gonzalez
Abel Bocanegra
Gabriel Ramirez
Irasema Dimas
Edgar Gonzalez

GUESTS PRESENT

Zoila Mata
Kathy Casillas
Cloromiro Hinojosa, Jr.
Eric J. Garcia
Ruth A. Garcia
Ruben Garcia
Ruben James De Jesus

CALL TO ORDER

Vice Chairman Barrera called the meeting to order at 5:36 p.m.

CITIZENS PARTICIPATION

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

There was none

APPROVAL OF MINUTES FOR APRIL 27, 2022

Vice Chairman Barrera asked if there were any corrections to the minutes for April 13, 2022. Mrs. Alvarez moved to approve the minutes as presented. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:53 p.m.

Item #1.1

Rezoning:

**Lots 1, 3, 5, 7, 9 & 11, Block 3,
Blake Addition
R-1 to C-3
Emmanuel Adult Day Care
Eric James Garcia**

Mr. Alex Hernandez went over the write-up stating the subject site was located on the Northeast corner of Oblate Avenue and E. 14th Street along the east side of Oblate Avenue.

SURROUNDING ZONES:

N:	P	– Public
E:	R-1	– Single Family Residential
W:	R-1	– Single Family Residential
S:	R-1	– Single Family Residential

EXISTING LAND USES:

N:	Mission Junior High School
E:	Residential
W:	Residential

S: Apartments
Site: Formerly Trinity Lutheran Church

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: In the latter part of 2006 the city initiated a series of mass rezoning's for different areas within the Mission Original Townsite and they were rezoned from Light Industrial, General Commercial, Neighborhood Commercial, Duplex-Fourplex Residential to Single Family Residential. The purpose of these requests was to address intensifying concerns from Mission citizens regarding their surrounding land uses (multiple apartments being built within the downtown area). Staff acknowledges that there is an existing building on this property that has been used as Trinity Lutheran Church and also as an adult day care since 2004 with a conditional use permit.

The applicant would like to continue using the building for the Adult Day Care but would like to incorporate a catering service, which requires a C-3 (General Business) zone.

RECOMMENDATION: Staff recommends denial of C-3, but would be receptive to a C-2 (Neighborhood Commercial Zone). C-2 uses should not be detrimental to the adjoining residential area that has become accustomed to a non-residential use. Finally, the ultimate and best use for this structure is commercial and not residential. The C-2 zone would allow the Adult Day Care but not the catering service.

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

Mrs. Ruth Garcia who resides at 1312 Oblate represented the applicant and the adult day care. Mrs. Garcia stated the adult day care has been in operation at that location since 2008. She added they are currently trying to be in compliance with all permits.

Vice Chairman Barrera asked the board if they had questions.

Mrs. Alvarez asked Mrs. Garcia if the catering service is already in operation.

Mrs. Garcia stated the catering is on hold until they have proper permits. She added they are only providing food to customers from the daycare.

Mrs. Alvarez asked if a C-2 zone with a conditional use permit would help them open.

Ms. De Luna stated the ordinance would have to be amended to include catering services as an option as is not one of them right now.

Mrs. Garcia stated they have a rent to own contract with the owner. They have no plans to add anything but they will maintain what is currently at the property.

Ms. De Luna stated we would have to take the amendment to City Council.

Mrs. Garcia stated they were operating the catering service before the problem came aboard.

Mrs. Garza asked what was the current zone.

Ms. De Luna states its residential and they had a conditional use permit to operate the adult day care.

Mrs. Garza asked if they had been renewing.

Ms. De Luna stated the previous owner had life of use but the new owner would have to apply for the conditional use permit.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mrs. Garza moved to deny the C-3 zone, but approve a C-2 zone as per staff recommendation. Mr. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:38 p.m.

Item #1.2

Rezoning:	Tract 1:	12.466 acres out of Lots 19-3 & 20-3, West Addition to Sharyland AO-I, R-3 & I-1 to P
	Tract 2:	0.331 of one acre out of Lot 20-3, West Addition to Sharyland AO-I to C-1
	Tract 3:	0.758 of one acre out of Lot 20-3, West Addition to Sharyland AO-I to R-1 Mission Real Properties, Inc.

No Action Taken

Started: 5:53 p.m.

Ended: 5:56 p.m.

Item #1.3

Conditional Use Permit

Renewal:

**Drive-Thru Service Window
- Twisted Sistas
1500 W. Business 83, Ste. 1
Lot A, Mission Acres
C-3
Ana Garza**

Mr. Irasema Dimas went over the write-up stating the subject site is located on the NW corner of Los Ebanos and Business Highway 83. The last conditional use permit for the drive-thru service window was approved by P&Z on April 28, 2021 for a period of 1 year. The tenant would like to renew her CUP for the drive-thru service window. Access to the site is from driveway cuts along Los Ebanos and Business Highway 83. The drive-thru service window is along the east side of the building allowing for stacking for approximately 2 vehicles. The applicant is proposing for the customers to exit on the north driveway off of Los Ebanos Road

- **Days / Hours of operation:** Monday - Friday from 6:30 a.m. to 8:00 p.m., and Saturday & Sunday from 8:00 a.m. to 8:00 p.m.
- **Staff:** 4 employees

- **Parking & Landscaping:** It is noted that a total of 25 parking spaces are held in common for this commercial plaza and it exceeds code. The applicant will install additional landscaping.

RECOMMENDATION: Staff recommends approval subject to:

1. 3 year re-evaluation to assess this operation.
2. Continues compliance with the Building, Landscaping, Fire, Sign, and Health Codes
3. CUP not transferable to others

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.

Mrs. Alvarez asked if they were going to do a permanent closure of the entrances.

Ms. Dimas stated they would address it to the property owner.

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

Started: 5:56 p.m.

Ended: 5:58 p.m.

Item #1.4

Conditional Use Permit

Renewal:

**Sale & On-Site Consumption of Alcoholic
Beverages – The Bungalows on Shary**

3700 Plantation Grove Blvd.

**Lots 1 & 2, Sharyland Plantation Grove Hotel/Bungalow
PUD**

Cantu Bungalows, LLC

Ms. Dimas went over the write-up stating the subject site is located on the SW corner of Plantation Grove Blvd. and Santa Lorena. The last conditional use permit for the sale & on-site consumption of alcoholic beverages was approved by P&Z on April 22, 2020 for a period of 2 years. The applicant would like to renew his CUP for the sale and on-site consumption of alcoholic beverages.

- **Staff:** 4 employees for the restaurant
- **Parking:** There are currently several existing parking spaces shared with the various businesses along Plantation Grove Blvd. – see aerial. The applicant is proposing to utilize the majority of their on-site parking spaces but has the flexibility of using additional parking available along Plantation Grove Blvd. There is a total of 331 total parking spaces held in common.
- **Hours of Operation:** Hotel hours of operation are 24 hours a day seven days a week, and Restaurant hours of operation will be from 12:00 p.m. to 10:00 p.m. Monday thru Saturday.

- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some apartments within this radius (Las Misiones Apartments); thus, a waiver of the separation requirement needs consideration.

REVIEW COMMENTS: Staff mailed out notices 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. A 2 year re-evaluation to assess this operation at which time the applicant will need to renew their CUP and their TABC License
2. No objection to a waiver of 300' separation requirement from the Las Misiones Apartments
3. Continued compliance with all Building, Fire, and Health Codes;
4. CUP not transferable to others.

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. Alvarez moved to approve the request as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:58 p.m.

Ended: 6:05 p.m.

Item #1.5

**Conditional Use Permit
Renewal:**

**To keep a Portable Building for
Office Use – Rio Grande Trailer Sales, LLC
2400 N. Conway Avenue
Lot 1B, Berger Subdivision
C-3
Michael Adams**

Ms. Dimas went over the write-up stating the subject site is located on the NE corner of Conway & Rosie Marie. The applicant would like to renew his conditional use permit to keep a portable building to be used as a sales office for RV's. The last CUP for this location was approved by P&Z on March 24, 2021. The applicant has 4-5 RV's along the front of the property. Access to the site is via Conway Avenue and Rose Marie Ave.

- **Hours of Operation:** Monday – Saturday from 9 am to 5 pm
- **Staff:** 1 employee
- **Parking & Landscaping:** Parking is being met. On landscaping the applicant will add 2 planters in front of the building and along the side of Rosie Marie.

RECOMMENDATION: Staff recommends approval subject to:

1. 1 year re-evaluation to assess this operation,
2. Continue complying with Building, Fire and Sign Codes; and
3. CUP not transferable to others.

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

There was no response

Vice Chairman Barrera asked the board if they had questions.

Mrs. Alvarez asked if they are only allowed to sale RV's because they have a boat for sale. She added she had seen more than 5 RV's a time.

Ms. Dimas stated they are allowed to sale boats.

Mrs. Austin stated she has seen 7 RVs at one time.

Mr. Michael Adams the applicant stated he had a boat because it was a trade-in. he added he usually doesn't park RV's on the side but his truck was broken and he was not allowed to move the RV's.

Mrs. Austin asked about exceeding the amount.

Ms. Dimas explained he is only allowed to have a maximum of 5 in total at the lot.

Mrs. Garza stated she was concerned about the safety hazard for traffic.

Ms. Dimas stated everything must be along the building.

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

Started: 6:05 p.m.

Ended: 6:09 p.m.

Item #1.6

Discussion and Action on Credit Access Businesses and Regulated Lenders

Ms. Susana De Luna stated that Ordinance No. 4329 adopted in March 14, 2016 allows credit access businesses and regulated lenders as a permitted use in all commercial zones, except that no new credit access business or regulated lender may be located within one thousand five hundred (1,500) feet of another credit access business or regulated lender, measured in a direct line from property line to property line.

The original intent of this ordinance was to have more control on personal, title and payday loan companies. Staff was seeing an increase amount of loan companies right next to each other and the only way to address the concern was to set a distance requirement. However, this was not intended to include banks, mortgage companies, title companies, etc.

The intent of Ordinance No. 4329 was not to be applied to regulated lenders, this only applies to Credit Access Businesses determine to be but not limited to payday loans, title loans, collateral cash loans, etc.

Certain credit access businesses engage in abusive and predatory lending practices, offering easy money to those members of our community who are in a tight spot with onerous terms and fee, and the practices of certain access businesses cause members of our community to become trapped in a cycle of short term, high interest loans resulting in large debt and huge payments.

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.

Mr. Barrera asked what would happen with businesses that are already there.

Ms. De Luna stated they would be grandfathered in.

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

Started: 6:09 p.m.

Ended: 6:10 p.m.

Item #2.0

Single-Lot Variance:

**All of 1.0 acre of land out of Lot 23-3,
West Addition to Sharyland Subdivision
1134 N. Los Ebanos Road
R-1
Ruben Garcia**

Mr. Ramirez went over the write-up stating This property is located approximately 85' South of West 18" Street on the East side of N. Los Ebanos Rd. The property measures 70' x 622.3' for a total square footage of 43,561 sq.ft. Mr. Garcia's brother had obtained a single lot variance in May 23, 2013 and started constructing the home. However, the home was not completed. Since then the property has been sold and the new owner would like to finish the construction, therefore the need to reapply.

WATER: There is an existing 8" water line located on the West side of N. Los Ebanos Rd. readily available to service the lot. The Fire Marshal is not requiring any additional hydrants for this site since there is an existing fire hydrant located within 500' of the site.

SEWER: The site has access to an existing 10" sanitary sewer line located along the East side of N. Los Ebanos Rd. A Capital Sewer Recovery fee will be assessed in the amount of \$200.00 (\$200/HUE) as per Ordinance #3022.

STREETS & DRAINAGE: The subject property has access to N. Los Ebanos Rd., which is a 60' ROW street. Additional 10' ROW is required. Storm drainage will be accomplished through on-site detention.

OTHER COMMENTS:

- Installation of a 2-car driveway for off-street parking
- There is an existing streetlight located at the NW corner of this lot.

- Capital Sewer Recovery Fees & Parks were paid by previous owner.

RECOMMENDATION:

Staff recommends approval subject to:

1. Comply with all Building and Fire Codes
2. Dedicate 10' additional ROW, and
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. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:11 p.m.

Ended: 6:12 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

**Riverside Estates at Sharyland Phase II
A 8.89 acre tract of land out of the South 330' of
Lots 125 & 126, John H. Shary Subdivision
R-1A
Developer: Killam Development LTD.
Engineer: CLH Engineering, Inc.**

Mr. Ramirez went over the write-up stating this subdivision is located East of the intersection of San Miguel Dr. and S. Shary Rd. (F.M. 494). The developer is proposing a (28) Twenty-Eight Single Family Residential lots— see plat for actual dimensions, square footages, and land uses.

WATER

There is an existing 8" water line located along the North side of San Miguel Dr. running through the subdivision being looped servicing each lot to include 3 existing fire hydrants within the development.

SEWER

An existing 12" sewer line system has been installed to provide sewer service to all the lots. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$5,600.00 (\$200.00 x 28 lots).

STREETS & STORM DRAINAGE

The existing internal street is a 32' Back-to-Back within a 50' Right of Way, access will be from Shary Rd. (F.M. 494). Existing runoff is by form of sheet runoff flowing South toward the Southeast. The total contributing 10-year existing storm water runoff from this site is approximately 24.91 cfs for Phase II. An existing storm drainage conveyance system comprised of curb and gutter asphalt paving will capture the storm runoff into 4 existing type "A" inlets having an outfall into the City of Mission owned and maintained drainage ditch. The total developed runoff is 64.51 cfs for Phase II. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Payment of Park Fees in the amount of \$14,000.00 (28 Lots x \$500 = \$14,000.00)
The development has existing 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 Fees
2. Payment of Park Fees
3. Comply with all other format findings.

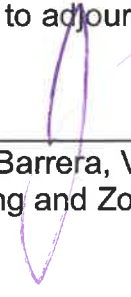
Vice Chairman Barrera asked the board if they had questions.

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

ITEM #4.0

ADJOURNMENT

There being no further items for discussion, Vice Chairman Barrera entertained a motion. Mrs. Alvarez moved to adjourn the meeting. Mrs. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:12 p.m.



Javier Barrera, Vice Chairman
Planning and Zoning Commission