

PLANNING AND ZONING COMMISSION
JULY 27, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Hector Moreno
Ruben Arcaute
Connie Garza
Diana Izaguirre

P&Z ABSENT

Jasen Hardison
Javier Barrera
Debra Alvarez
Raquene Austin

STAFF PRESENT

Alex Hernandez
Jessica Muñoz
Cynthia Gonzalez
Irasema Dimas

GUESTS PRESENT

Larry Fair
Victor Garza
Evangeline & Enrique Garza
Juana Perez
Adore Church
Zori Lopez

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:30 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR JULY 13, 2022

Chairwoman Izaguirre asked if there were any corrections to the minutes for June 22, 2022. Mr. Arcaute moved to approve the minutes as presented. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:33 p.m.

Item #1.1

Rezoning:

**Lots 1 & 2, Block B,
Wright Addition Subdivision
C-1 to C-2
Velma Olivarez**

Mr. Alex Hernandez went over the write-up stating the subject site was located at the Northeast corner of E. 11th Street and N. Mayberry Road.

SURROUNDING ZONES:

N:	C-2	– Neighborhood Commercial
E:	R-2	– Duplex-Fourplex Residential
W:	R-1	– Single Family Residential
S:	C-2	– Neighborhood Commercial

EXISTING LAND USES:

N:	Commercial Offices
E:	Residential
W:	Residential
S:	Vacant
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 further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the C-2. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:38 p.m.

Item #1.2

Rezoning:

**Lots 1-50,
Greenwood Mobile Home Estates
AO-I to R-4
City Initiated**

Mr. Hernandez went over the write-up stating the subject site was located approximately ¼ of a mile north of W. Mile 2 Road along the west side of Los Ebanos.

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

EXISTING LAND USES:	N:	Residential
	E:	Residential
	W:	Residential
	S:	Residential
	Site:	Mobile Homes

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, nor surrounding land uses. However, this mobile home subdivision was recorded and developed back in 1999 when it was still outside our city limits. This property was annexed into the City on December 10, 2001 with an agricultural zone automatically. Based on the direction given by City Council during the recent conditional use permit request staff is initiating the rezoning process. This rezoning will help reflect the correct land use and zone for this subdivision.

RECOMMENDATION: Staff is recommending Approval.

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

Mr. Enrique Garza who resides at 3707 N. Los Ebanos Road asked if the whole subdivision was agricultural exempt.

Mrs. Evangelina Garza who resides at 3707 N. Los Ebanos Road asked why it took so long for the city to rezone the subdivision if its been a mobile home park since 1999.

Ms. Dimas stated the subdivision was annexed into the city "as is" and any time a property is annexed in to the city the property automatically gets Agricultural Open Interim zone. She added that rezoning is usually initiated by the property owner or the city in this particular case no one had requested the change of zone. Mrs. Dimas stated that the zone is changing only to reflect what is currently on the property.

Chairwoman Izaguirre stated the zoning is only for the land use and it has nothing to do with it being agricultural exempt. She added the agricultural exemption is something that the tax office decides and that would be a question for the tax office.

Mr. Garza stated that the mobile home park would not be agricultural exempt.

Chairwoman Izaguirre stated its been a mobile home park since 1999 and everything was going to stay the same the only thing changing was the land use for the City of Mission.

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the R-4. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 5:44 p.m.

Item #1.3

**Re-Designation of Land Use: A 5.668 acre tract of land situated
in Porcion 58, Lot 124,
John H. Shary Subdivision
PUD (AO-I) to PUD (R-3)
Carlos Andrade & Angelica Treviño**

No action taken on this item due to the legal description being incorrect.

Started: 5:38 p.m.

Ended: 5:43 p.m.

Item #1.4

**Conditional Use Permit: To Place a Portable Building for Office Use
3408 N. Conway Avenue
A 1.0 acre tract of land, more or less,
out of the South 5 acres of Lot 30-7,
West Addition to Sharyland
C-4**

VMK Materials, LLC. (c/o Victor Garza)

Ms. Irasema Dimas went over the write-up stating the subject site is approximately ¼ mile north of E. Mile 2 Road along the East side of Conway Avenue. The applicant desires to place a 28' x 40' portable building to be use as a sales office. The applicant is proposing to install the new building behind the existing building while the new one is being remodel stage. Once the new building is completely remodeled, the applicant will be removing the old building. All building setbacks will be complied with. Access to the site is from a 22' caliche driveway along the south side of the property.

- **Days/Hours of Operation:** Monday – Saturday from 8:00 a.m. to 6:00 p.m.
- **Staff:** 10 employees
- **Parking:** Based on the square footage of the building a total of 6 parking spaces will be required including 1 handicap parking space. The applicant will need to meet the parking requirements.
- **Landscaping:** Applicant will need to comply with landscaping & security lighting requirements.

REVIEW COMMENTS: Staff notes that the property was annexed on January 12, 2009. The applicant recently rezoned the property in order to have the correct zone for his business.

RECOMMENDATION: Staff recommends approval subject to: 1) 1-year approval, 2) Signing an Affidavit saying that once the new building is complete, the existing one will be removed within 30 days, 3) compliance with Building, Fire, Parking, Landscaping and Sign Codes, 4) CUP not transferable to others, and 5) obtain a new business license for the new structure.

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.

Mrs. Garza asked if they would demolish the old building once the new one is ready.

Ms. Dimas stated that the applicant was proposing to move it out.

Mr. Victor Garza the applicant stated VMK Materials has been there for 20 years. He added they have had a small office but they now need a bigger space. He added that he will need some time to remodel the new portable building and would like to request life of use. Mr. Garza mentioned that it would be difficult to invest and remodel the building to have it approved for onlu one year.

Chairwoman Izaguirre stated that it would be a good idea but she believes that life of use should be considered once the final building is in place.

Ms. Dimas stated that on conditional use permits the first time they are approved for only one year once they renew staff can recommend for more time.

Chairwoman Izaguirre stated once his done he can request a new CUP for life of use.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the conditional use permit as recommended by staff. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:44 p.m.

Ended: 5:47 p.m.

Item #1.5

Discussion and Action to Amend Mobile Food Units Ordinance

Ms. Dimas went over the write-up stating as the need arises changes need to be made to our City Ordinances. Currently, our Mobile Food Unit Ordinance states that any mobile food unit/truck has to go through the conditional use permit process in order to be placed on a mobile food park. If the unit/truck meets the criteria of approval, they are allowed a 1 year. Upon completion of the 1 year, the owner may apply for a maximum of two additional one year permits.

As you may be aware, the CEED has an area designated as a Mobile Food Park and they have asked staff to consider amending the ordinance to exclude any city owned property from those requirements. The CEED would still be complying in renewing their own conditional use permit for the Mobile Food Park. This amendment would help expedite the process of any unit interested in a space on any city owned property. Any applicant would still need to comply with obtaining a business license which would need to meet the building, fire, and health codes.

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

There was none.

Chairwoman Izaguirre asked if this was being requested by staff.

Ms. Dimas stated it was being requested by the CEED Building and staff.

Mrs. Garza asked if there was another request would it be for a designated area or would they be allowed to set up in other areas in the City.

Ms. Dimas stated this would only be in City properties in order to expedite the process.

Ms. Garza stated she would like to set a master plan for food trucks rather than seeing them pop up at different places throughout the City.

Chairwoman Izaguirre stated that could be done at the workshop for the future land use map.

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

Started: 6:31 p.m.

Ended: 6:36 p.m.

Item #1.6

Discussion and Action to Amend Carport Ordinance

Ms. Dimas went over the write-up stating that with the recent heat index citizens have approached the Planning Department with a permit for carports. Unfortunately, most of them

cannot be approved because the material proposed was not allowed or they were not meeting the required setbacks.

The City Council held a workshop on July 18, 2022 to consider amending the carport ordinance. The topics of discussion were the carport materials and the setback requirements. The current ordinance requires the following:

- 1) Meet the subdivision front setback or zoning code requirements
- 2) No carport, whether temporary or not, shall have a roof composed tarp, canvas, or other similar fabric-like material
- 3) Architectural design must be as home.

In a recent research done by staff it was discovered that the surrounding cities don't enforce the material, however they do enforce the setbacks.

After some deliberation on this matter the consensus was that the City Council is willing to consider allowing the fabric like material with a stipulation that the carport be maintained at all times but must meet the required setbacks.

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

There was none.

Chairwoman Izaguirre asked if the Council was in favor.

Ms. Dimas stated the council is in favor as long as the carports meet the setbacks.

Mrs. Garza asked if that would be the only thing they were considering. She added that the previous ordinance opened the door for residents to build carports in older subdivisions of the city. She asked if this would allow everyone to have a carport.

Ms. Dimas stated that it would allow anyone wanting a fabric-like material carport meeting the required setbacks. However, they would still need to follow HOA rules.

Chairwoman Izaguirre asked if this ordinance required that carports must have engineer sealed plans based on the height.

Ms. Dimas replied "No", but it could be added as a recommendation. She mentioned that currently the maximum height allowed was 15 feet.

Chairwoman Izaguirre stated that other cities require a windstorm for carports.

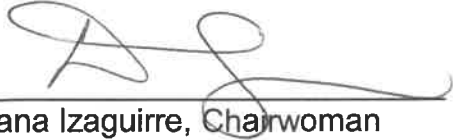
Ms. De Luna stated that windstorm requirements would be complied during the building permit stage.

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

ITEM #2.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mrs. Alvarez moved to adjourn the meeting. Mrs. Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:53 p.m.

A handwritten signature in black ink, appearing to read 'D. Izaguirre', written over a horizontal line.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission