

**PLANNING AND ZONING COMMISSION
SEPTEMBER 28, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Hector Moreno
Connie Garza
Diana Izaguirre
Jasen Hardison

P&Z ABSENT

Javier Barrera
Debra Alvarez
Raquenel Austin
Ruben Arcaute

STAFF PRESENT

Alex Hernandez
Jessica Muñoz
Irasema Dimas
Gabriel Ramirez

GUESTS PRESENT

Lupe Gonzalez
Roberto Gonzalez

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:32 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR SEPTEMBER 14, 2022

Chairwoman Izaguirre asked if there were any corrections to the minutes for September 14, 2022. Mrs. Garza moved to approve the minutes as presented. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:38 p.m.

Item #1.1

Rezoning:

**A tract of land containing 2.24 acres of land,
more or less, being part or portion of Lot 25-11,
West Addition to Sharyland to Sharyland Subdivision
AO-I to C-3
LAG Associates**

Mr. Alex Hernandez went over the write-up stating the subject site is located approximately 706' E. of Bryan Road along the North side of E. Griffin Parkway.

SURROUNDING ZONES:

N:	AO-I	– Agricultural Open Interim
E:	C-2 & R-1	– Neighborhood Commercial & Single Family Residential
W:	AO-I	– Agricultural Open Interim
S:	R-1 & C-2	– Single Family Residential & Neighborhood Commercial

EXISTING LAND USES:

N:	Vacant
E:	The Loretto Restaurant & Single Family Residential

W: Single Family Residential
S: Single Family Residential
Site: Single Family Residential

FLUM: General Commercial (GC) &
Lower Density Residential (LDA)

REVIEW COMMENTS: The proposed zone complies with City's Future Land Use Map, and surrounding land uses along the front of the property. However, towards the back the designation is lower density which is consistent with the existing residential homes. The applicant proposal is to construct an event center. Staff is receptive to consider ½ of the acre to commercial but keep the other half residential to be consistent with the existing land uses.

RECOMMENDATION: Staff recommends to rezone only the south 330' as C-3 and the remaining 330' to R-1.

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

Mr. Roberto Gonzalez stated that there plan for right now is to build a parking lot to alleviate the parking issue of The Loretto. He added they would like to rezone the whole thing to potentially place a building in the future.

Chairwoman Izaguirre explained that the future land use map showed a section for residential and the rest commercial. She added that the map has not been amended in a couple of years. She mentioned for right now they would maybe approve staff recommendation.

Chairwoman Izaguirre asked the board if they had questions.

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

Item #1.2

Rezoning: A 19.06 acre tract of land, more or less,
being the South 19.06 acres of Lot 28-12,
West Addition to Sharyland of Porciones 53-57
AO-I to P
Dr. Narcisco Garcia

No Action Taken

Started: 5:41 p.m.

Ended: 5:43 p.m.

Item #1.3

Conditional Use Permit: Drive-Thru Service Window
- Super Burgers
2006 E. Griffin Parkway
Lot 2, Block 1, Springfield Phase I Commercial
C-3
Super Burgers

Ms. Irasema Dimas went over the site is located near the southeast corner of Griffin Parkway (FM 495) and Glasscock Road just east of Circle K. The applicant is proposing to open a restaurant and would like to utilize the existing drive-thru service window. The last CUP for the Drive-Thru Service Window was approved by P&Z on February 13, 2008 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to this site is off of Griffin Parkway (F.M. 495). All vehicles using the drive-thru service window must exit through the rear alley and back onto Glasscock.

- **Hours of Operation:** Monday to Sunday from 10:00 a.m. to 10:00 p.m.
- **Staff:** 5 employees
- **Parking:** There is a total of 50 seating spaces proposed, which require 17 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It is noted that the parking areas is held in common in this commercial plaza (40 parking spaces) and are shared with other businesses. Access to the common parking is derived off of two ingress/egress points.
- **Landscaping:** Landscaping already exist and exceeds the City's requirements.

REVIEW COMMENTS: Staff mailed out 23 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 1 yr. re-evaluation in order to assess this new business;
- 2.) Must comply with all City Codes (Building, Fire, etc.)
- 3.) Must acquire a business license prior to occupancy.
- 4.) CUP not to be transferable to others.

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

Chairwoman Izaguirre asked the board if they had questions.

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

Started: 5:43 p.m.

Ended: 5:45 p.m.

Item #1.4

Conditional Use Permit:

Mobile Office for Office Use

- Planet Fitness

901 N. Dunlap

Lots 1-12, Block 158,

Mission Original Townsite

C-4

Michael Hendler

Ms. Irasema Dimas went over the write-up stating the subject site is located on the southwest corner of W. Tom Landry and Dunlap Avenue. The applicant would like to keep the existing 12' x 48' portable building to be used as a sales office for Planet Fitness. He proposed to have all presale memberships from this unit until the gym is complete. Access to the site is via 28' driveways of Tom Landry, Dunlap and Catholic War Veterans Blvd.

- **Hours of Operation:** Monday–Friday 10:00a.m. – 7:00p.m. and Saturday – Sunday 9:00a.m. – 3:00p.m.
- **Staff:** 10-12 employees will operate the business
- **Parking & Landscaping:** Based on the square footage of the portable building a total of 5 parking spaces will be required including 1 handicap parking space. The applicant will need to meet the parking, landscaping and lighting requirements.

REVIEW COMMENTS: It is not uncommon to have portable buildings to be used as an office. The applicant proposed to have this unit for 2 to 3 months. Staff mailed out 26 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval for 6 months subject to:

- 1.) Must comply with all City Codes (Building, Fire, etc.)
- 2.) CUP not transferable to others, and
- 3.) Must acquire a business license prior to occupancy.

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. Mr. Hardison moved to approve the conditional use permit as recommended by staff. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:47 p.m.

Item #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – C-BICHI
608 N. Shary Road, Ste. 2
Lot 1, Alba Plaza
C-3
CBICHI, LLC**

Ms. Irasema Dimas went over write-up stating the site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of Shary Road. The applicant has been running her Seafood Restaurant at this location since August 2022 and now would like to start offering alcoholic beverages with their meals. Access to the site is via a 34' driveway off of Shary Road. The applicant is requesting a CUP for the sale of beer and wine.

- **Hours of Operation:** Tuesday - Sunday from 11:00 a.m. to 12:00 a.m.; closed on Monday.
- **Staff:** 4 employees
- **Parking & Landscaping:** It is noted that the parking is held in common at this commercial plaza and there is a total of 138 parking spaces shared with the various businesses.

- **Sale of Alcohol: Section 1.56-3):** (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.

REVIEW COMMENTS: Staff mailed out 24 notices to property owners within 200' radius of the site, and as of this writing, staff has not received any comments in favor or against this request. Since the sale of alcohol is not the primary use, staff does not object to this proposal.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 2 years re-evaluation at which time the applicant will have to renew his CUP & TABC License,
- 2.) Must comply with all City Codes (Building, Fire, etc.), and
- 3.) Waiver of the 300' separation requirement from residential homes.

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. Mr. Hardison moved to approve the conditional use permit as recommended by staff. Mr. Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:50 p.m.

Item #1.6

Conditional Use Permit:

Day Care Center in a Residential Zone

311 W. Leo Najo, Apts. A, B, C

Being the West ½ of Lots 1 & 2

Block 103, Mission Original Townsite

R-1

Jose M. De La Garza

Ms. Irasema Dimas went over write-up stating the subject site is located at the SE corner of Cummings and Leo Najo Street along the south side of Leo Najo Street. The applicant has been running the daycare at this location since October 2018. He currently has a total of 23 children ranging from infants to 12 years old at different times. He would like to expand to include Apartment C to make the infants area a little bigger. The last CUP for the home occupation at this location was approved on October 25, 2021 for a period of 3 years. Since the applicant does not reside at this location and is expanding the daycare, therefore the need to reconsider the item.

Section 1.56(1)(g) of the Zoning Code states: *The Planning and Zoning Commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent basis to the City Council who shall have, the ultimate authority on the matter. With regards to proposed variances to subsections 1.56-1(a), (d), and/or (f), a minimum of 90 percent of the property owners within 200' mailout radius shall provide written support for the proposed home occupation variance.*

- **Days/Hours of operation:** Monday – Friday from 7:00 a.m. to 6:00 p.m., and Saturday 7:00 a.m. to 2:00 p.m.

- **Staff:** 5 employees
- **Parking:** Being a triplex, there are 6 parking spaces that can be used for the daycare operation. Parking has not been an issue since most of the children are dropped off or picked up by the applicant.

REVIEW COMMENTS: Since the applicant has obtained 90% of the signatures and has complied with all requirements staff does not object to the request.

RECOMMENDATION: Staff recommends approval for 3 years subject to:

1. Must comply with DHS Certification;
2. Must comply with all City Codes (Building, Fire, etc.), and
3. Must acquire a new business license to include apartment C.

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 have 3-years for evaluation.

Ms. Dimas stated yes it would be 3-years since it's a new application.

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

Started: 5:49 p.m.

Ended: 5:52 p.m.

Item #1.7

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Taboo Bar & Grill
608 N. Shary Road, Suites 9 & 10
Lot 1, Alba Plaza
C-3
BGD Investments, LLC**

No Action Taken

Started: 5:50 p.m.

Ended: 5:51 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

**Ragland Village Subdivision
A tract of land containing 1.52 acres of land,
more or less, being part or portion of Lots 51 and 55,
Sharyland Orchards Subdivision
R-3
Developer: Mission Food Factory, LLC
Engineer: Javier Hinojosa Engineering**

Mr. Ramirez went over write-up stating the subdivision is located along the east side of Ragland Road approximately 325' south of U.S. Bus. Hwy 83. This property is currently vacant. The developer is proposing a 4 – lot multi-family (6-plex) subdivision.

Utilities

There is an existing 8" water and an existing 8" sanitary sewer line along Ragland Rd., which will provide services 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 re-plat abuts Ragland Rd., an existing 30' ROW. An additional 15' of ROW will be dedicated as noted on the plat. Drainage will be accomplished with the placement of grated inlets to intercept drainage runoff generated by this subdivision. Pipe sizes range from 18" to 24" RCP and shall bleed into an existing detention pond adjacent to the east side of this subdivision and will ultimately discharge into a City of Mission grated inlet at the southwest corner of the pond. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Street Lighting already exists

Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to compliance with all other format findings

Chairwoman Izaguirre asked the board if they had questions.

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

Started: 5:39 p.m.

Ended: 5:40 p.m.

Item #3.0

Request by Blesson B. George to have P&Z waive 6-month waiting period in order to reconsider the conditional use permit for the Sale & On-Site Consumption of Alcoholic Beverages 608 N. Shary Road, Suites 9 & 10, Being Lot 1, Alba Plaza

Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to deny the 6-month waiver. Mr. Moreno seconded the motion. Mrs. Garza opposed. Upon a vote, the motion died.

ITEM #4.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Mr. Moreno seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:51 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission