

**PLANNING AND ZONING COMMISSION
OCTOBER 12, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Connie Garza
Diana Izaguirre
Javier Barrera
Debra Alvarez
Raquenel Austin
Ruben Arcaute

P&Z ABSENT

Hector Moreno
Jasen Hardison

STAFF PRESENT

Jessica Muñoz
Irasema Dimas
Gabriel Ramirez
Patricio Martinez

GUESTS PRESENT

Alejandro Cuelle
Irma Cuelle
Anita Gonzalez
Nacho Pecina
Sonya Garza
Juan Rosel
Lorenzo Adame
Gilberto Garza
Julio Cerda
Irene Garza
Miguel Martinez
Adriana Cardenas
Edgar Gonzalez
James & Genevieve Ridolfo
Lorena Cantu

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 28, 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. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 6:00 p.m.

Item #1.1

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**

Ms. Irasema Dimas went over the write-up stating the subject site is located approximately 1,028' south of E. Mile 2 Road along the west side of Stewart Road. – see vicinity map.

SURROUNDING ZONES: N: R-1A – Large Lot Single Family

E: R-1A – Large Lot Single Family
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES:
N: Large Lot Single Family
E: Large Lot Single Family
W: Vacant
S: Single-Family Home
Site: Vacant

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Staff notes that schools have been allowed in Agricultural, and Single-Family Residential zones in the past. On August 13, 2012, City Council created a new Zone which requires all public facilities such as City, County, Federal buildings, Churches and Schools to fall within this zone. Vanguard wishes to comply with this new zoning requirement. The school use is exactly what the P zone is intended to regulate.

Staff received a petition showing 49% (see exhibit "A") in opposition to this request. The concerns expressed refer to being in contravention to the City's purpose in establishing zone districts, the current road that will be used for ingress and egress is not designated to sustain additional heavy traffic and subsequent congestion, and would further complicate the drainage issues. Staff also notes that there are residents who signed the petition outside the 200' radius.

In regards to schools, Former Attorney General, Greg Abbott explained that a home rule city "may enforce its reasonable land development regulations and ordinances against an independent school district for the purpose of aesthetics and the maintenance of property values."

RECOMMENDATION: Staff recommends approval.

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

Mr. Julio Cerda who resides at 2800 N. Stewart Road read from Exhibit B.

Mr. Juan Rosel who resides at 1608 Pebble Drive stated he was opposed to this request. His main concern was flooding issues. He added that this property is not a good area for a school and that there are better properties out there to build on.

Mr. James & Genevieve Ridolfo who reside at 2907 Stewart Road stated that they were opposed to this request for all of the reasons mentioned previously. Mr. Ridolfo added that a depression was done in front of the property and a shoulder was not proposed. He also added that building a school would cause tremendous traffic like other schools in Mission and would not like that in this area.

Mrs. Genevieve Ridolfo who resides at 2907 Stewart Road stated that she was opposed to this request. Mrs. Ridolfo added that her main concern was traffic and has witnessed countless accidents in front of her house. She also added that she has lived in this area since 1993 and has seen this area grow and expect for improvements to come with the new subdivisions and they don't.

Mrs. Adriana Cardenas who resides at 1604 Pebble Drive stated that she was opposed to this request for all the reasons mentioned previously.

Mr. Leonardo Rios who resides at 1601 E 30th Street stated that he was opposed to this request.

Mr. Rios added that his main concern was infrastructure and flooding.

Chairwoman Izaguirre asked the board if they had questions.

Mrs. Debra Alvarez asked staff what was the rationality for recommending approval?

Ms. Irasema Dimas stated that the Texas law does not prohibit us to allow a school district to apply for a public zone.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to deny the rezoning request. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:00 p.m.

Ended: 6:07 p.m.

Item #1.2

Rezoning:

**A 0.499 of an acre tract of land,
more or less, being the North ½ of the east
1.00 acre of the west 1.73 acres of a 35.71 acre tract
Out of the South one half of Lot 15-7 and 15-8,
West Addition to Sharyland
R-1 to C-3
Lorenzo Adame**

Ms. Irasema Dimas went over the site is located approximately 152.00' east of S. Conway Ave. along the south side of Melba Carter.

SURROUNDING ZONES:

N:	C-3	– General Business
E:	C-3	– General Business
W:	C-3	– General Business
S:	R-1	– Single-Family Residential

EXISTING LAND USES:

N:	Commercial
E:	Commercial
W:	Commercial
S:	Vacant
Site:	Vacant

FLUM: Industrial (I)

REVIEW COMMENTS: The proposed zone does comply with the City's Future Land Use Map, and surrounding land uses. However, the City Council has recently denied rezoning request for C-3 (General Business) making it clear that the Council would like to keep this area as single family residential. The City has invested in various improvements over the past several years. These improvements include street lights, sidewalks, and several CDBG homes.

RECOMMENDATION: Staff is recommending denial.

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

Mrs. Irene Garza who resides at 308 Melba Carter stated that she was opposed to this request. Mrs. Garza added that the neighborhood wants to keep this property residential because of all the traffic that passes by. She also added that "Carmona mechanic shop" tests the cars and go down the street speeding. For safety reasons we shouldn't allow anymore businesses in this area.

Chairwoman Izaguirre asked if the applicant was present.

The applicant Mr. Lorenzo Adame stated that he just recently bought the property from the City of Mission. Mr. Adame added that he has a utility business and wishes to put an office on this property.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to deny the rezoning as recommended by staff. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:07 p.m.

Ended: 6:08 p.m.

Item #2.0

Site Plan Approval:

Construction of a Restaurant

(IHOP – Store # 3731)

**Being a resubdivision of 4.666 acres out of Lot 32,
Bell-Woods Company's Subdivision "C"**

C-3

Haidar Properties, LLC

Mr. Gabriel Ramirez went over the write-up stating the subject site is located approximately 1355' north of Mile 2 Rd along the West side of Conway Ave. (SH 107) The developer is proposing a two-lot subdivision with the main structure on Lot 1. The site is currently vacant.

Upon reviewing the site plan, the primary access will be from Conway Ave. through a proposed 24' common access easement running East to West with the building being on the north. The building size will measure 4625 sqft with an optional customer order pickup window.

The front building setback is approximately 113' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 54 parking spaces are allocated to serve the business. The existing fire hydrant and its assemblies is located at the NW corner of the property. Designated fire lanes will be noted at restricted locations.

Storm water detention area has been designated at the rear of the property to fulfill drainage requirements. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan will be reviewed so that nearby residential properties won't be affected.

OTHER COMMENTS:

1. 1 enclosed dumpster will be located within the Lot to be screened with a 6' block fence with opaque (solid) gates.
2. Sign permit will be required

RECOMMENDATION: Staff recommends approval.

Chairwoman Izaguirre asked the board if they had questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Connie Garza moved to approve the site plan approval as recommended by staff. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:08 p.m.

Ended: 6:10 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

Brushline Meadows Subdivision

**A 17.62 acre tract of land being all of Lot 91,
and the south 7.62 acres out of Lot 92,
The Nick Doffing Co. Subdivision No. 1
Rural ETJ**

Developer: 1960 Investment Company, LLC

Engineer: Nain Engineering, LLC

Mr. Gabriel Ramirez went over the write-up stating the subject site is located at the southeast corner of Mile 7 North and Brushline Road. The developer is proposing 13 Single Family Residential lots — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 8" water line west of Brushline Rd. by boring and extending a 1" service line to each lot. There will be 2 fire hydrants to be used as filling station.

SEWER

Sewage from Brushline Meadows Subdivision will be treated by individual on-site sewage facilities consisting of a stand design dual compartments septic tank and a drain field on each lot. Each lot in the proposed subdivision is at least ½ acre in size. This is not within the City of Mission sewer CCN.

STREETS & STORM DRAINAGE

Access for Lots 1-11 will be from Brushline Road and Lots 12 and 13 will be from Mile 7 Rd. The existing terrain has a grade of approximately .01%. Runoff from the site is by form of sheet flow towards the southeast side of this tract with an increase of 7.07 cfs. A total of 33,606 of cf storm runoff for a 50 year design frequency will be detained within the property by proposed detention areas. An 18" pipe with safety end treatment will be required at driveway. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to meeting the Model Subdivision Rules and meeting any comments from the County Planning Department.

Chairwoman Izaguirre asked the board if they had questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raquenel Austin moved to approve the request as recommended by staff. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #4.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to adjourn the meeting. Mr. Javier Barrera seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:10 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

STATE OF TEXAS §

COUNTY OF HIDALGO §

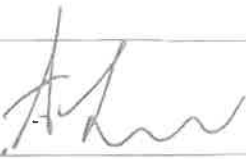







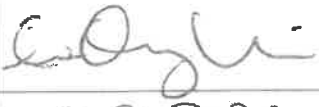



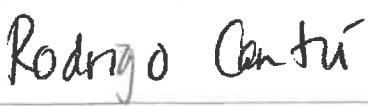

 RE: 11
PETITION AGAINST ZONING CHANGE
 Attn: City of Mission
 Planning and Zoning Commission and
 City Council

 RE: Lot 28-12 West Addition of Shamland

We, the undersigned owners of property affected by the requested zoning change, and in accordance with City of Mission Article V. Section 1.23, hereby submit this written protest against any change in zoning of the referenced property.

The requested change in zoning would be in contravention to the City's purpose in establishing zone districts. This property is in a residential district and the current road that will be used for ingress and egress is not currently designed to sustain the additional heavy traffic and subsequent congestion. Furthermore, additional development of the property, for uses other than residential, would further complicate the drainage issues in the area.

<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	Julio Cerde	2800 N. Stewart Rd. Mission, TX
	Homer Gonzalez	712 E 28th St. Mission TX 78572
	Stephanie Ramirez	1710 E 28th St Mission TX 78574
	Joe Valenzuela	1708 E. 28th St Mission TX 78574
	Antonio Lopez	1706 E. 28th St.
	Rachel E. Merriman	1707 E. 28th St, Mission, TX
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>

	Alex Ledesma	1300 E 28 th St Mission TX 78574
	Ricardo Ochoa Jr.	1614 E. 28 th St. Mission TX 78574
	Hugo BAZAN	1608 E 28 th St Mission, TX 78574
	Myra Morin	1664 E. 28 th St. Mission, TX 78574
	Azucena Reyes	1615 E 28 th St Mission TX 78574
	Maria Davalos	1701 E 28 th St. Mission, TX 78573
	Diana Gama	1713 E 28 th St. Mission, TX 78574
	Juan Anzaldua 1704 E 28 th St.	1704 E 28 th St. Mission Texas 78574
	NORMA VALENCIA	1703 E. 28 th St Mission, TX 78574
	Rolando Cadillo	1606 E 28 th St Mission TX 78574
	Monica McIver	1705 E. 28 th St. Mission, TX 78574
	Imelda Trenño	1702 E 28 th St Mission TX 78574
	Rodrigo Cantu	2312 Norma Dr Mission TX 78574
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>

STATE OF TEXAS §

COUNTY OF HIDALGO §



PETITION AGAINST ZONING CHANGE



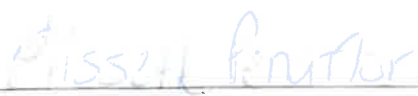




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Planning and Zoning Commission and
City Council

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<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>
	JOISE SUAREZ	1612 Pebble Dr.
	CHARLES CARTER	1701 PEBBLE
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>

	PRESTON KING	2905 MELISSA REA
	Luzeth Flores	3106 Dora Jeanne Cir
	Missy Penaflo	1504 S. HICKORY RD MISSION TX 78574
	Joel Estevan Bazar	2910 N Stewart Rd MISSION, TX 78574
	Gregoria Vega Rios	1600 Norma Dr. Mission Tx 78574
	Juan Rose	1608 Pebble Dr Mission TX 78574
	Jaime Valadez	1504 Storegate Dr Mission, TX 78574
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>

<i>Cytha Cardenas</i> <i>Cesar</i>	CYNTHIA Garcia Cesar Cardenas ARCEVEDO Cardenas	3114 Garden View Garden View 3112 Tulip Ave
<i>Brittany Madden</i> <i>Brittany</i>	Brittany Madden	1601 Stonegate Drive
<i>Bridgeport Ambouch</i>	BRIDGE FOMBON	1600 Stonegate Dr. Mission
<i>Adri Cardenas</i>	Adriana Cardenas	1604 Pebble Dr. Mission, TX
<i>Sonya Garza</i>	Sonya Garza	1601 Pebble Drive Mission, TX
<i>Genevieve Ridolfo</i>	Genevieve Ridolfo	2911 N. Stewart Rd Mission, TX 78574
<i>James Jr</i>	JAMES RIDOLFO JR	2907 N STEWART RD MISSION, TX 78574
<i>James Ridolfo Jr</i>	JAMES RIDOLFO JR	2913 N. STEWART RD MISSION, TX 78574
<i>Georgina Mendora</i>	Georgina Mendora	1412 Mile 2 Rd Mission
<i>Rene Barrera</i>	RENE BARRERA	1402 EAST 2 MILE RD MISSION TX
<i>Luis E. Leon</i>	LUIS E. LEON	1410 - E-2-MILE RD
<i>Elva Barrera</i>	Elva Barrera	1400 E 2 Mile Rd
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>

<i>Janif Vasquez</i>	Aracely Vasquez	1600 Pebble Dr Mission TX 78574
<i>Sandra Rios</i>	Sandra Rios	1601 E. 30th Mission TX 78574
<i>Y. Guerra</i>	Lizette Guerra	1603 E 30th St. Mission, TX 78574
<i>Edo</i>	Jaden Arredondo	1606 E 30th St Mission, TX 78574
<i>Veronica Doran</i>	Veronica Doran	1506 Stonegate Mission, TX 78574
<i>Juli 33</i>	Jahaira Gonzalez Trigo	1508 Stonegate Mission, TX 78574
<i>[Signature]</i>	Robert Villarreal	3100 Dura Juanita Mission TX 78574
<i>[Signature]</i>	Monica Rody	1512 Stonegate Dr Mission TX 78574
<i>[Signature]</i>	Marcela Muniz	1500 Stonegate Dr. Mission TX 78574
<i>[Signature]</i>	Jose Torres Jr.	1605 Pebble Drive Mission TX 78574
<i>Susan Klem</i>	Susan Klem	1610 Norma Dr Mission, TX
<i>Margaret H</i>	Margaret Galindo	1604 Est 30th St
<i>WHR</i>	Wendy Cochran	3103 Melinda Dr Mission TX 78574
<u>Signature</u>	<u>Printed Name</u>	<u>Address</u>

Proposed Rezoning: 19.06 Acre Tract being the
S. 19.06 Acres of Lot 28-12, W.A.S.
(PZ Mtng: 9/28/22) AO-I to P (Public Zone)
Dr. Narcisco Garcia

We object to the proposed PUBLIC zone application for the following reasons:

POINT 1: The proposed Public zone is NOT consistent with the City's Comprehensive Plan's designation for the subject tract; the City's own **Future Land Use Map (FLUM)** shows this area as **LDA** – meaning that it was always intended to be a 'LOWER DENSITY' RESIDENTIAL use. The FLUM was discussed and approved as such by the P&Z and the City Council. As such, major financial decisions were made by my neighbors and me to invest heavily in this general area. Logically and reasonably, ALL OF US expected that this vacant acreage would someday be rezoned R-1A for residential homes.

POINT 2: Just looking at the **ZONING MAP** tells anyone with a reasonable mindset that the highest and best zone will be R-1A, and NOT the PUBLIC zone. One sees the blue color depicting R-1A being the almost exclusive zoning district for this area. The zoning map is displayed in Mission's website to tell people of what is existing and, based on logical assumptions, what may reasonably be expected in this general area. Placing a PUBLIC zone in the middle of a well-developing R-1A region is not what any resident in this area expected at all!

POINT 3: Aside from vacant acreage, the only **LAND USE** in this area is **LARGE LOT SINGLE FAMILY RESIDENTIAL**. It is a quiet area - - and developing almost 20 acres for a school with all its traffic nightmares will definitely be detrimental to our *peace & enjoyment* of our *quiet* residential setting.

POINT 4: STEWART ROAD'S PAVED STREET SECTION is a problem for any school at the applicants' acreage. We all realize that it is during development that streets get widened; this widening occurred with other residential subdivisions along Stewart Road. However, there is a major difference between residential traffic and school-induced traffic & the speed that comes along with it especially during rush hour. When one introduces a school and the traffic that comes along with it on the current pavement section of Stewart, we residents are the ones that will have to *suffer every school calendar day*. Stewart is wider south of the Edinburg canal, but north of it, there is NO uniform pavement section matching MPO's full pavement criteria. In other words, the pavement section does **NOT** meet MPO pavement codes & is a definite problem that will cause real traffic safety issues.

POINT 5: The PURPOSE OF THE PUBLIC ZONE is outlined in Section 1.47A (1) of Mission's zoning code. When the Public Zone was created in 2012, these are 2 of the core values specifically cited of its intent:

1.47A (1)(b) "To establish a district that **WILL NOT** create excessive amounts of continuous traffic patterns spilling over onto residential area, and where such uses may be located on street(s) that are suitable to accommodate heavy traffic that may be incidental to its use." Even Mission's own ordinance gives very specific instruction to allow the Public zone where the street must be suitable to handle the heavy traffic that schools normally induce. Stewart Road's current condition is not a street that can accommodate this.

1.47A (1)(c) "To create a district that **WILL NOT** have a detrimental effect on adjoining or nearby residential areas." This instruction given to staff, the P&Z Commission, and the City Council needs to be regarded as pivotal in assessing whether or not a rezoning property to a Public zone should be awarded.

Conclusion: We object to the rezoning because;

- 1) it is **NOT** consistent to your **COMPREHENSIVE PLAN (FLUM)**;
- 2) it is **NOT** consistent to **AREA ZONINGS**, being the projected R-1A zone that predominates the area;
- 3) the Public land use is definitely **NOT** consistent with area LAND USES, which are existing & projected **LARGE LOT SINGLE-FAMILY RESIDENTIAL LOTS**;
- 4) the **PAVEMENT SECTION** of Stewart Road is a major concern that does **NOT** meet Section 1.47A (1)(b); in fact, this section will appear to be violated in this case since a Public zone's school would NOT be on a street that can accommodate the traffic generated by a school; and
- 5) a Public zone, in this case, will have a **DETRIMENTAL EFFECT ON AREA RESIDENTIAL AREAS** since our peaceful setting will be perpetually changed – *there is no going back*. Also, the Public zone may likely have a negative impact to the *market value* of our homes should any resident want to sell & go somewhere else.

If you are a board who is bound to logically follow the specific ordained instructions of the Public Zoning Code, then it follows that the rezoning application for a PUBLIC ZONE cannot be approved for the reasons just noted.

Thank you for time and consideration.