

**PLANNING AND ZONING COMMISSION
OCTOBER 27, 2021
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Jasen Hardison
Hector Moreno
Bealinda O.
Deforest
Raquenel Austin
Ruben Arcaute

P&Z ABSENT

Debra Alvarez

STAFF PRESENT

Susana De Luna
Alex Hernandez
Irasema Dimas
Jessica Munoz
Cynthia Gonzalez

GUESTS PRESENT

Efrain Salinas Jr.
Rubi Salinas
Armando Contreras
Lou Contreras
Vicente Contreras
Lauren Sturgeon
Irma A. Luna
Ida N. Garza
Irene Garza
Eduardo Careaga
Alfredo Hernandez
Cita Garza Jimenez
Florestella Magallan
Narcedalia Flores
Edgar Gonzalez
Juan Garcia
Lisa Rivera
Mariano Garcia

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:40 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR OCTOBER 13, 2021

Chairwomen Izaguirre asked if there were any corrections to the minutes for October 13, 2021. Mr. Ruben Arcaute moved to approve the minutes as presented. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:53 p.m.

Item #1.1

Rezoning:

**Lot 38 & the South 411.4' of Lot 39,
Melba Carter Subdivision (U/R)
R-1 to C-3
Efrain Salinas**

Ms. De Luna went over the write-up stating that the site was located approximately 700' east of Conway Blvd. along the south side of Melba Carter.

SURROUNDING ZONES: N: C-3 & R-1 – General Commercial & Single Family Residential
E: R-1 – Single Family Residential
W: C-3 – General Commercial
S: I-1 – Light Industrial

EXISTING LAND USES: N: Residential
E: Residential
W: Commercial
S: Vacant
Site: Vacant

FLUM: Industrial (I)

REVIEW COMMENTS: The future land use map does show this area as industrial. The area currently has a mixture of uses ranging from industrial and commercial uses to residential homes. The reality is that we have seen a growth of residential homes in the Melba Carter Subdivision. The City has invested in various improvements over the past several years. These improvements include street lights, sidewalks, and several CDBG homes. It is also noted that a recent for C-3 was denied in 2019 making it clear that the Council would like to keep this area as residential.

Staff mailed out 14 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing, staff received a petition in favor reflecting 21%.

RECOMMENDATION: Denial.

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

Mrs. Irene Garza who resides at 308 Melba Carter who was in opposition stated that a few years ago, a rezoning request for the same property was requested but was denied, because of improvements done to the subdivision and safety concerns. She mentioned that since 2019, three residential homes have been built in that area. She added that cars parked on the road from existing businesses make it difficult for buses to maneuver around.

Mrs. Cinthia Garza Jimenez who resides at 309 Melba Carter asked what was the reason this item was being considered again?

Ms. De Luna stated that a rezoning application cannot be denied regardless of the outcome.

The applicant Mr. Efrain Salinas Jr. stated he was aware of the concerns that the neighbors mentioned. Mr. Salinas stated he was not parking any trucks outside of his property, and planned to improve the area and resolve any concerns. He added that he planned to place signs on the road for the trucks to exit through the commercial side only and not the residential.

Chairwoman Izaguirre asked what is reason the rezoning got denied the first time?

Ms. De Luna stated that the reason it got denied was neighborhood opposition. She added the concerns were children safety, traffic, and that a concrete slab was built without a permit.

Chairwoman Izaguirre mentioned if the concrete slab was where the proposed metal building is.

Ms. De Luna stated "yes".

Chairwoman Izaguirre asked if the concrete slab met setbacks?

Ms. De Luna mentioned that if the property stays residential no, but if it changes to commercial it would meet setbacks.

Mr. Arcaute asked when were the other properties rezoned to commercial?

Ms. De Luna stated the last one that was rezoned was in 2014. Ms. De Luna added that for this particular property they had applied in 2014, 2019, and 2021 and it was denied.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raquene Austin moved to deny the rezoning request as per staff's recommendation. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:58 p.m.

Item #1.2

Rezoning:

**All of Lots 1, 2, and 3,
Of Chaparral Terrace Subdivision
R-1 to R-2
Armando Contreras**

Ms. De Luna went over the write-up stating that the subject site is located on the northeast corner of W. Griffin Parkway F.M. 495 and Crimson Avenue along the east side of Crimson Avenue.

SURROUNDING ZONES:

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

EXISTING LAND USES:

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

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone doesn't comply with the City's Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff is recommending Denial.

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

Mr. Vicente Contreras who was representing the applicant stated that what was being proposed were 3 duplexes similar in shape as homes. Mr. Contreras mentioned that it would be a good fit to the neighborhood.

Chairwoman Izaguirre asked if the future land use map showed this area as residential and if it was explained to the applicant.

Mr. Contreras stated he was not aware of what was the future land use map.

Ms. De Luna mentioned that it was explained to the applicant.

Mrs. Lou Contreras approached the board in favor of the rezoning request. She stated this property would still remain residential and would be a continuation to other apartments in that area.

Chairwoman Izaguirre asked where were the apartments Mrs. Contreras was talking about.

Ms. De Luna stated the apartments Mrs. Contreras mentioned were located in the green area on the map, which was W. 24th Street.

Mr. Contreras stated that duplexes would be a great fit for the surrounding community.

Chairwoman Izaguirre asked what were the restrictions in that subdivision?

Ms. De Luna stated that it was all residential.

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

Started: 5:58 p.m.

Ended: 6:04 p.m.

Item #1.3

Conditional Use Permit:

**To Designate an Area as a Mobile Food Park
for Operations of Mobile Food Units**

719 Ragland

A tract of land out of the Northwest 9.96

Acres of Lot 203, John H. Shary Subdivision

C-3

Jorge Eduardo Careaga

Ms. De Luna went over the write-up stating that the subject site is located 800' south of Business Highway 83 along the west side of Ragland Road. In an effort to reactivate the economy of the City the applicant is proposing a mobile food park to offer food truck owners the opportunity to sell their products.

The applicant proposes to have 21 mobile food trucks, a 6' x 4' stage for low key entertainment (acoustic music, piano plays, guitar, etc.) and will utilize the existing building for the restrooms and office. The applicant also proposes to have picnic tables throughout the property in case anyone would like to dining. Access to the site will be via 2 driveways off of Ragland Street. If approved, based on the current ordinance, each mobile food truck operator would still need to apply for their own CUP to operate within the mobile food park.

- **Hours of Operation:** Monday – Sunday from 9 am to 11 pm
- **Parking & Landscaping:** A minimum of 3 parking spaces will be required per mobile food unit. (1 for vendor and 2 for customers per unit). The applicant proposes 31 parking space, which would require him to add additional parking or reduced the number of food trucks to 10. Landscaping is meeting code.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes, and that each mobile food unit obtains a business license.

RECOMMENDATION: Staff recommends approval subject to:

1. 1 year re-evaluation to assess this new operation,
2. Compliance with the Building, Fire and Sign Codes.
3. Acquisition of a Business License, and
4. Must comply with noise ordinance.

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

The applicant Mr. Eduardo Careaga stated the project was to help bring more businesses to the city and to reactivate the economy. He added stated that he was the owner of the property and he would be in charge of the management.

Chairwoman Izaguirre asked the board if they had any questions.

Mr. Arcaute asked if a buffer would be required between the residential area, and if the applicant was proposing entertainment?

Ms. De Luna stated a buffer would be required to separate the residents from the business.

Mr. Careaga stated it was not a restaurant and his hours of operation would not exceed 11:00pm. He added his main hours would be at noon in order for residents to enjoy deserts and coffee.

Mrs. Austin asked if he would have entertainment?

Mr. Careaga stated he would have family nights that included movie nights, comedians, guitarists, but no concerts.

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

Started: 6:04 p.m.

Ended: 6:06 p.m.

Item #1.4

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages
out of a Storage Container – Tacos & Beer by Ricardo's
Restaurant
2224 E. Business Hwy. 83
Being a tract of land containing 1.08 acres of land,
being part or portion of Lot 204, John H. Shary
Subdivision
C-4**

Esperanza Serna

Ms. De Luna went over the write-up stating that the subject site is located on the SW corner of Glenwood Avenue and East Business Hwy 83. On July 26, 2021 the City Council approved a request to allow a 10' x 20' storage container (pod) to be utilized as a food truck for beverages only in conjunction with Tacos & Beer by Ricardo's Restaurant Food Truck. Mrs. Serna wanted to be sure that her conditional use permit for the storage container (pod) would be approved in order to proceed with her TABC License permit. Access to the site is from 2 – 24' driveways off of Business Highway 83.

- **Hours of operation:** Sunday - Saturday from 3pm to 11pm.
- **Staff:** 5 employees.
- **Parking & Landscaping:** -The property has a total of 30 parking spaces, thus compliant to code. There will be needing to comply with the landscaping requirements.
- Must comply with all City codes including Health, Fire Department and TABC requirements.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within the 300' radius, however P&Z and City Council have waived this requirement for similar businesses.

RECOMMENDATION: Staff recommends approval subject to: 1) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, 2) Waiver of the 300' separation requirement from residential neighborhoods, and 3) Acquisition of a business license.

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 any questions.

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

Started: 6:06 p.m.

Ended: 6:10 p.m.

Item #1.5

Conditional Use Permit:

**To keep a Portable Building for Sales
Office Use – Universal Landscaping Supply
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza
C-4
Eliel Gonzalez**

Ms. De Luna went over the write-up stating that the subject site is located 600' east of Stewart Road along the northside of East Expressway 83 Frontage Road. The applicant wishes to open a universal landscaping supply and would like to utilize the existing 15' x 15' portable building

as an office. The last CUP approved by P&Z for this location and use was on July 11, 2016 for a period of 3 years for Florida's Palm Trees.

- **Days / Hours of Operation:** Monday—Friday from 8 a.m. to 6 p.m. and Saturday from 8 a.m. to 3p.m.
- **Staff:** 3 employees
- **Parking:** The business requires a minimum of 4 parking spaces. The site has a total of 20 spaces, thus in compliant with parking code requirements.

REVIEW COMMENTS: Staff notes that the parking area needs to be maintained and re-stripped.

RECOMMENDATION: Staff recommends approval subject to:

1. 1 year in order to assess the new business operation
2. Re-striping & maintenance of the parking area
3. Installation of skirting for the portable building
4. Compliance with Building, Fire, and Sign Codes
5. Acquisition of a Business License

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

There was none.

Chairwoman Izaguirre asked why the property was so messy?

Ms. De Luna stated she spoke to the applicant and he stated he could not enter the property until he secured a permit. She added that once he had the permit the property would be cleaned.

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

Started: 6:10 p.m.

Ended: 6:11 p.m.

Item #1.6

Conditional Use Permit:

**Texas Citrus Fiesta Vaquero Cook-off
& Fun Fair on November 20, 2021
1200 E. Business Highway 83
Being a tract of land containing 6.56
acres, more or less, being part or portion
of a 6.79 acre tract out of Lot 20-11, West Addition
Sharyland Subdivision**

Ms. De Luna went over the write-up stating that the subject site is located near the SE corner of Bryan Road and E. Business Hwy. 83 – see vicinity map. Texas Citrus Fiesta organizers have been given permission to have their annual Vaquero Cook-off and Fun Fair on the vacant lot. They are proposing to set up on November 19 & 20 at 12:00 p.m. for both events. Although, both events will take place on November 20, 2021 from 9:00 a.m. to 10:00 p.m. with approximately 48 vendors and a stage for entertainment. The VIP tent will be used for food donations.

- **Parking:** Parking for this event will be provided along the southeast area of the property.
- The Zoning code states that fun fair sites should be a minimum of 300' away from any residentially used property from lot line to lot line. There is a mobile home park immediately to the east of the property, therefore a waiver would be needed for this location.
- Chapter 10 – Amusements and Entertainment: Security will be evident as in the past events via Mission PD Officers (as hired by TCF). Restrooms will be available. All provisions of the Chapter 10 Mission Code of Ordinances – Amusements and Entertainment – will need to be complied with, in particular the insurance coverages requirement for such amusements.

REVIEW COMMENTS: With sufficient professional security, barricades, lighting, & TCF monitoring, this event will again be very successful and well attended. TCF has assured the City that all aspects of security will be taken care of as well as CDC guidelines.

RECOMMENDATION: Staff recommends approval subject to:

1. Installation of a perimeter fence/debris stop
2. Installation of “No Parking” signs along E. Business Hwy. 83 and Bryan Road;
3. Meet Noise, Amusement & Entertainment, Insurance, and any other related codes, and
4. Waiver of the 300' separation requirement from residential neighborhoods.

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 any questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request as per staff recommendation. Mrs. Bealinda De Forest seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:11 p.m.

Ended: 6:14 p.m.

Item #1.7

Conditional Use Permit

Renewal:

To keep a Portable Building for Educational Purposes

511 W. 11th Street

Lots 1 & 2, Blk. 178, Mission Original Townsite

R-1

Agueda P. Aguiñaga

Ms. De Luna went over the write-up stating that the subject site is located 200' west of Kika De La Garza Loop along the south side of W. 11th Street. This site has a 73' x 20' portable building that is currently being used for educational purposes. Access to the site will be strictly off W. 11th Street. A CUP was last approved for this location on September 28, 2020 for a period of 1 year. Mrs. Aguiñaga is requesting to renew her conditional use permit.

- **Hours of Operation:** Monday – Friday from 8:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m., Closed Sundays.
- **Staff:** 2 employees will operate the business

- **Parking & Landscaping:** A business office of this size requires a minimum of 4 parking spaces. The applicant has 4 spaces adjacent to the portable building. The applicant will be resurfacing and re-stripping the parking lot.

REVIEW COMMENTS: It is common for schools to use temporary buildings for classrooms or educational purposes. Staff has not received any comments in favor or against the portable building. While the use of portable buildings is allowed via a CUP, the intent is for the use to be temporary and that there eventually be a transition into a permanent building. It is noted that this conditional use permit has been obtaining approvals since 2017. Therefore, staff is inclined to recommend approval for one last time, which means that the applicant would need to start planning the transition to a permanent building.

RECOMMENDATION: Approval subject to: 1.) 1 yr. re-evaluation in order to assess business; and 2.) Comply with all Building, Fire Codes; Sign, and landscaping codes.

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 any questions.

There was none.

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

Started: 6:14 p.m.

Ended: 6:16 p.m.

Item # 1.8

Discussion and Action to Rescind Ordinance No. 4883 & 4963 as it relates to open carports, patios, and porches setback requirements

Ms. De Luna went over the write-up stating that a direction was given to staff to revert back the setback requirements for open carports, patios and porches. Ms. De Luna added that to comply with the direction given the only way to accomplish that would be to rescind the following ordinances, No. 4883 addresses open carports and the setbacks are 8' Front Setback and 4' side setback & No. 4963 as it relates to patios, and porches with same setbacks. What we are doing is reverting back to the original setbacks which is what the subdivision requires or the minimum setbacks.

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 any questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request as per staff recommendation. Mrs. Bealinda De Forest seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:16 p.m.

Ended: 6:18 p.m.

Item #1.9

**Preliminary & Final
Plat Approval**

**Burns Mission Subdivision
Re-Plat of a 5.57 acre tract of land being
All of Lots 1 & 2, Gallagher Subdivision,
And part of a 5.39 acre tract of land out of
Lot 173, John H. Shary Subdivision
C-3
Developer: Kyle Richard Burns
Engineer: M Garcia Engineering**

Ms. De Luna went over the write-up stating that the subject site is located on the northwest corner of US Expwy 83 (E. I 2) and Hoerner Rd. The property will consist of a 1 – Lot Commercial subdivision

UTILITIES

When the original property was subdivided water and sewer services were made accessible and available. This replat will not affect any utility lines or the availability to connect to them upon issuance of permits.

STREETS & STORM DRAINAGE

The existing storm runoff is by surface flow to the southerly direction. A storm drainage will be of curb and gutter, storm drainage pipe and detention pond which will capture and convey the storm water runoff to an existing storm sewer system located on E. I 2. In accordance with the City of Mission and the Hidalgo County Drainage District # 1, a 50-Year frequency storm event was utilized to determine the proposed storm water runoff from this site. 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 and recording of Restrictions.

Chairwoman Izaguirre asked the board if they had any questions.

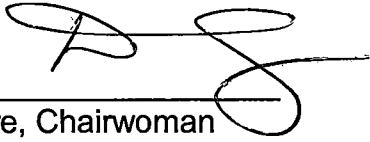
There was none.

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

ITEM #2.0

ADJOURMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to adjourn the meeting. Mrs. Bealinda De Forest seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:19 p.m.

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

Diana Izaguirre, Chairwoman
Planning and Zoning Commission