

**PLANNING AND ZONING COMMISSION  
FEBRUARY 22, 2023  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Steven Alaniz  
Raquenel Austin  
Ruben Arcaute  
Javier Barrera  
Jasen Hardison

**P&Z ABSENT**

Diana Izaguirre  
Kevin Michael Sanchez  
Connie Garza

**STAFF PRESENT**

Susie De Luna  
Alex Hernandez  
Jessica Munoz  
Gabriel Ramirez  
Irasema Dimas  
Victor Flores

**GUESTS PRESENT**

Julian H. Sanchez Jr.  
Cristobal Silva  
Criselda Mann  
Teresa Toledo  
William Carl Davis  
Angel Ramos  
Martha Blanco  
Anita Pulido  
Teresa De Angel  
Eduardo Careaga

**CALL TO ORDER**

Vice Chairman Barrera called the meeting to order at 5:31 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR FEBRUARY 8, 2023**

Vice Chairman Barrera asked if there were any corrections to the minutes for February 8, 2023. Mr. Arcaute moved to approve the minutes. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:33 p.m.**

**Ended: 5:35 p.m.**

**Item #1.1**

**Rezoning:**

**A 0.33 acre tract of land out of the East  
100' of the West 880' of the South 143'  
of Lot 29-8, West Addition to Sharyland  
AO-I to C-3  
Juan Reyes**

Ms. De Luna went over the write-up stating the subject site is located near Mayberry Road and E. Mile 2 Road intersection along the north side of E. Mile 2 Road.

**SURROUNDING ZONES:**

N:	R-1	- Single Family Residential
E:	AO-I	- Agricultural Open Interim
W:	R-1	- Single Family Residential
S:	P	- Public

**EXISTING LAND USES:**

N:	Single Family Residential
E:	Open Acreage

W: Single Family Home  
S: Veterans Memorial High School  
Site: Vacant

**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. Approving a C-3 zone in this location would be detrimental to the surrounding single-family residential properties.

**RECOMMENDATION:** Staff recommends Denial.

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

The applicant was not present.

Vice Chairman Barrera entertained a motion to close the public hearing. Mr. Alanis motioned to close the hearing. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Barrera asked if the board had any questions.

Vice Chairman Barrera mentioned the board has seen this item before but for something different.

Ms. De Luna mentioned that they wanted to do apartments.

Mr. Arcaute wanted to know why that property was excluded from the subdivision.

Ms. De Luna stated that the property could have been from a different owner.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to the deny the rezoning. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:35 p.m.**

**Ended: 5:37p.m.**

**Item #1.2**

**Conditional Use Permit:**

**Construct a Pool House on Property Zoned  
Large Lot Single Family Residential  
2508 Lilac Avenue  
Lot 9, Falcon Crest Subdivision  
R-1A  
William Carl Davis**

Ms. De Luna went over the write-up stating the subject site is located approximately 310' north of Thornwood Drive along the east side of Lilac Avenue. The applicant is requesting a conditional use permit for the construction of a pool house. The proposed pool house will have 1,092 square feet. It will consist of (2 bedrooms), (1.5) bathrooms, living, dining area and a porch. Guest houses are allowed in a Large Lot Single Family Zone as long as they apply for a conditional use permit and comply with the following conditions:

- Lot be a minimal of 12,000 sq. ft.
- Cannot be made available or used for lease, rent, hire, and the owner of such use may not receive remuneration for the use of one of the above
- Proposal must be clearly secondary to the primary residence
- Shall not have access to a public street (No shared/extended driveway)
- Shall not have separate kitchen area or utilities

**REVIEW COMMENTS:** The lot total square footage is 36,566 sq. ft. and all building setbacks will be met. The proposed driveway is more than sufficient to accommodate any guest vehicle. The guest home must be connected to the same water and electrical meters, i.e. no separate utilities. Staff mailed out 25 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) no separate utility and electrical connections, 2) transferability to other future owners imposing the same conditions imposed to this applicant, and 3) not to be used for rental purposes.

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

Vice Chairman Barrera entertained a motion to close the public hearing. Mr. Arcaute motioned to close the hearing. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Barrera asked if the board had any questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to the approve the conditional use permit. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:37 p.m.**

**Ended: 5:40 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**To Have a Restaurant in a C-2 zone**

**The Magnolia Tea Room**

**1022 E. Griffin Parkway, Suite 107B**

**Lot 1, Bryan Road Medical Plaza Subdivision**

**C-2**

**Elizabeth Marie Romero**

Ms. De Luna went over write-up stating the subject site is located on the southwest corner of E. Griffin Parkway (F.M. 495) and Bryan Road. The applicant leased a 1,740 sq. ft. suite within this commercial plaza to have The Magnolia Tea Room. The Magnolia Tearoom strives to bring you a high tea experience that warms your heart with their decadents' teas, delicious food and excellent service. The items that will be served include: cake, pastries, small sandwiches, salads, soups, hot/cold teas, coffee and sparkling water. The property is zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2).

- **Hours of Operation:** Tuesday - Saturday from 10 am to 6 pm
- **Staff:** 2 employees

- **Parking:** The restaurant will have a total of 40 seats which requires 13 parking spaces (40 seats/3 = 13.3 parking spaces). The site currently has a total of 150 parking spaces held in common.
- **Landscaping:** Landscaping is existing and meeting code.

**REVIEW COMMENTS:** Staff mailed out 17 notices to property owners within 200' radius and has not received any comments in favor or against the request. Staff does not object to the request.

**RECOMMENDATION:** Staff recommends approval subject to:

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

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

There was none.

Vice Chairman Barrera entertained a motion to close the public hearing. Mr. Arcaute motioned to close the hearing. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Barrera asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Alaniz moved to approve the conditional use permit. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:40 p.m.**

**Ended: 5:48 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**Outdoor Soccer Field**

**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 write-up stating the subject site is located 800' south of Business Highway 83 along the west side of Ragland Road. In an effort to attract more business to his restaurant the applicant is proposing a 25' x 45' outdoor soccer field behind the existing restaurant. Anyone can play in this soccer field as long as they pay a fee. This soccer field will also be available for rental purposes. Access to the site will be via 2 driveways off of Ragland Street.

- **Hours of Operation:** Monday – Sunday from 9 am to 11 pm
- **Parking & Landscaping:** the 2,312 sq.ft. restaurant requires 9 parking spaces and there is a total of 14 parking spaces and he is proposing to add 12 additional parking spaces

for the outdoor soccer field. Landscaping is meeting code. He will need to add lighting for the proposed outdoor soccer field.

- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.
- **Section 1.43- C-3 General Business(3)(g)** states that "Amusement parks, circus or carnival grounds, commercial amusement or recreation development, or other temporary structure used for temporary purposes" are allowed with a Conditional Use Permit.

**REVIEW COMMENTS:** Staff mailed out 31 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Staff recommends approval subject to:

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

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

Mrs. Martha Blanco who resides at 711 Ragland and her neighbor Mrs. Anita Pulido who resides at 709 Ragland stated their concern was the parking. She mentioned the owner has had several events and people park everywhere including on private driveways.

Mr. Eduardo Careaga the applicant stated he did not have neighbors on the sides and he had enough space for parking. He added the previous event was a family event and cars were parked on the front property with authorization. He mentioned the soccer field would be for kids and adults to help them keep healthy.

Vice Chairman Barrera asked Mr. Careaga how many people he would expect on these events.

Mr. Careaga stated it was a small field so probably 10-12 cars.

Vice Chairman Barrera entertained a motion to close the public hearing. Mr. Arcaute motioned to close the hearing. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Barrera asked if the board had any questions.

Vice Chairman Barrera asked if staff had addressed parking issues with the applicant.

Ms. De Luna stated this was the first time she was made aware of those issues. She added Mr. Careaga cannot be using another property for parking.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to approve the conditional use permit subject to adding more parking. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:48 p.m.**

**Ended: 5:57 p.m.**

**Item #1.5**

**Conditional Use Permit  
Renewal:**

**Drive-Thru Service Window  
- Cocina De La Abuela Tere**

**1500 W. Griffin Parkway, Suite E,  
Being the S. 105' – W.180' – E.440' out  
of Lot 25-2, West Addition to Sharyland  
& Lot 1, Block B, Cinco De Mayo Ranch  
C-3  
Yvette Castaneda**

Ms. De Luna went over write-up stating the subject site is located on the NW corner of Wednesday and Griffin Parkway. The applicant leased a 2,628 sq. ft. building which includes a drive-thru service window for her Mexican Restaurant. Access to the site is provided off of Wednesday via a 24' driveway. This CUP was previously approved on January 24, 2022 for a period of 1 year. Staff notes that this would be the 1st renewal.

- **Days/Hours of operation:** Monday from 7am to 3 pm, Tuesday closed, and Wednesday to Sunday from 7am to 3 pm.
- **Staff:** 5 employees.
- **Parking:** There are a total of 36 seating spaces which require 12 parking spaces (36/3 = 12). The site currently has 31 parking spaces held in common, thus meeting code.
- Landscaping is existing at this commercial plaza and meets code.

**REVIEW COMMENTS:** Staff mailed out 24 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Approval subject to:

1. 2 year re-evaluation to assess this operation
2. Must continue to comply with all City Codes (Building, Fire, etc.)
3. CUP not transferable to others

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

Criselda Mann who resides at 2307 Tuesday Avenue stated they received a notice for this item.

Mrs. Teresa Toledo who represented the applicant was present.

Vice Chairman Barrera entertained a motion to close the public hearing. Mrs. Austin motioned to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Barrera asked if the board had any questions.

There was none.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Hardion moved to approve the conditional use permit. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:57 p.m.**

**Ended: 5:58 p.m.**

**Item #2.0**

**Site Plan Approval:**

**Construction of a Commercial Suite  
Tire Shop – 2609 W. Expressway 83**

**Lots 11, 12, & 13, Ala Blanca Subdivision  
C-3  
Jose Avila**

Mr. Ramirez went over write-up stating the subject site is located on the south side of W. Expwy 83 (IH 2) along Frontage Rd. approximately 600' east of Moorefield Rd. The developer is proposing one main structure on the property being a vacant 0.61 acres of a combined 3 lots by special warranty deed.

Upon reviewing the site plan, access will be from Frontage Rd. The building size will measure 4,704 sq.ft. which will consist of a Show Room, Office, and a Work Area with 3 bays each with overhead doors, 1 being oversized.

The front building setback is approximately 66' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 9 parking spaces are allocated to serve the business, 1 being a handicapped. An existing fire hydrant and its assemblies are located on front of the property. Fire lanes will be noted at restricted locations throughout the site.

Storm water detention area has been designated on the north side of the property to fulfill drainage requirements. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan has been 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 and opaque (solid) gates.
2. Sign permits will be required.
3. Installation of a solid buffer fence abutting all residential properties

**RECOMMENDATION:** Staff recommends approval.

Vice Chairman Barrera asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to approve the site plan review. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:59 p.m.**

**Ended: 6:02 p.m.**

**Item #2.1**

**Site Plan Approval:**

**Construction of a Commercial Plaza  
1104 W. Kika De La Garza  
Lot 1 and 2, Block B, Wright Subdivision  
C-2  
Velma Olivarez**

Ms. De Luna went over write-up stating located on the northeast corner of Kika De La Garza Loop and E. 11<sup>th</sup> St. The developer is proposing one main structure on the property being a vacant 0.32-acres of a combined 2 lots.

Upon reviewing the site plan, main access will be from E.11<sup>th</sup> St. and a secondary access from the alley on the north side of the property. The building size will measure 4,242 sq.ft. which will consist of 3 suites, 1 being designated for a daycare facility.

The front building setback is approximately 53' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 18 parking spaces will be allocated to serve the Plaza, 1 being a handicapped stall. An existing fire hydrant and its assemblies are located at the southeast corner of this site. Fire lanes will be noted at restricted locations throughout the parking zone.

Storm water detention area will be along the main frontage to include green spaces. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan has been 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 and opaque (solid) gates.
2. Sign permits will be required per tenant
3. Construction of a 5' sidewalk along Kika De La Garza Loop will be required.
4. Installation of a solid buffer fence abutting residential properties.

**RECOMMENDATION:** Staff recommends approval.

Vice Chairman Barrera asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to approve the site plan review. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:02 p.m.**

**Ended: 6:03 p.m.**

**Item #2.2**

**Homestead Exemption**

**Variance:**

**A 1.00 acre of land, more or less, out of Lot 23-3,**

**West Addition to Sharyland**

**R-1**

**Alejandro Benavidez**

Mr. Ramirez went over write-up stating that this tract is located on the east side of Los Ebanos Rd. and W. 18<sup>th</sup> St. The lot measures 70'x 622.3' or 43,560.00 sq. ft. The lot exceeds the minimum square footage size requirements for an R1 lot. The applicant proposes to construct a single-family residence.

**WATER** – The applicant is to connect to an existing 8" water line located along the east side Los Ebanos Rd. to supply water to the lot.



**SEWER** – The applicant is to connect to existing 10" sanitary sewer line located along the east side of Los Ebanos Rd. to provide sewer service to the lot. The Capital Sewer Recovery Fee is waived as per the Homestead Exemption Variance.

**STREET & STORM DRAINAGE** – The subject site has frontage to Los Ebanos Rd., which is a paved street equipped with curb & gutter for drainage. No additional ROW will be required per Homestead Exemption Variance.

**OTHER COMMENTS**

- Waiver of park and sewer capital recovery fees.
- A fire hydrant is within the required 500' minimum distance of the property. No additional fire hydrants are needed.
- A streetlight is located to the south of the Lot.
- Submittal of affidavit of intention to build a single-family residence within one year for personal use only.

**RECOMMENDATION:** Staff recommends denial due to lack of evidence satisfactory to the city that said applicant is recognized as the owner of said property by the Hidalgo County Appraisal District per Code of Ordinances - Ch. 98 - Article I. Sec. 98-16 (b). Applicant has not purchased the property outright therefore pending conveyance.

Vice Chairman Barrera asked if the board had any questions.

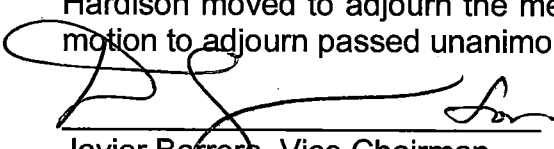
There was none.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to deny the homestead exemption variance. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0**

**ADJOURNMENT**

There being no further items for discussion, Vice Chairman Barrera entertained a motion. Mr. Hardison moved to adjourn the meeting. Mr. Arcaute seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:07 p.m.



Javier Barrera, Vice Chairman  
Planning and Zoning Commission