PLANNING AND ZONING COMMISSION FEBRUARY 28, 2024 CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT
Jasen Hardison
Steven Alaniz
Connie Garza
J.D Villarreal
Kevin Sanchez
Diana Izaguirre
Raquenel Austin

P&Z ABSENT
Omar Guevara

STAFF PRESEN
Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT
Alferdo Izmajtouich
Zoreida Lopez
Elizabeth Oviedo
Alvaro Longoria
Clarisse Corbeil
Jesus Salinas
Erica Cantu
Juan Cantu
Gregory Davis
Kevin Davis

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:33 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 14, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 14, 2024. Ms. Garza moved to approve the minutes. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m. Ended: 5:43 p.m.

Item #1.1 Rezoning:

Tract 1, being the West 100' of the South 105' of the South 210' of the

East 630' of Lot 30-12, West Addition to Sharyland

AO-I to R-1

Margarito & Ramona Salas

No Action.

Started: 5:43 p.m. Ended: 5:46 p.m.

Item #1.2 Rezoning:

Lots 32, 33, & 34, Block "C",

Butterfield Addition

R-1 to C-3 Beatriz Salinas

Ms. De Luna went over the write-up stating the site is located approximately 132' south of E. 1st Street along the west side of Mayberry Road.

SURROUNDING ZONES:

EXISTING LAND USES:

N:

E:

C-2

C-2 & P

Neighborhood CommercialNeighborhood Commercial

& Public

W: R-1

Single Family ResidentialSingle Family Residential

S: R-1

N: Commercial E: Vacant

W: Residential S: Residential

Site: Residential

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses. Staff mailed out 22 notices to property owners within 200' radius to get their input in regards to this request. As of this date, staff has not received any comments in favor or against this request. Staff notes that the applicant is requesting a higher density than what is currently existing in this area and for that reason staff cannot support the request.

RECOMMENDATION: Staff recommends denial.

Chairwoman Izaguirre asked if there was anyone in the audience in favor or against the request.

Mrs. Beatriz Salinas was present stated that she's requesting the rezoning to build a restaurant.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked that what was the zoning for the properties north of the property that was being rezoned.

Ms. De Luna stated that the zone was a (C-2) Neighborhood Commercial. She added that a convince store and a restaurant were allowed on a (C-2) but for a restaurant a Conditional Use Permit is required.

Chairwoman Izaguirre stated that a (C-2) Neighborhood Commercial would be better for that area.

Mr. Villarreal asked that if the applicant was informed of the option of a (C-2) Neighborhood Commercial.

Ms. De Luna stated that staff spoke to the applicant.

Chairwoman Izaguirre asked that if the applicant was ok with a (C-2) Neighborhood Commercial.

The applicant stated from the audience that they were aware that if the (C-3) General Business was denied their next option was a (C-2) Neighborhood Commercial and they were ok with that.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to deny the (C-3) General Business but approved a C-2 Neighborhood Commercial. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m. Ended: 5:43 p.m.

Item #1.3 Rezoning:

A 5.02 acre tract of land out of Lot 265,

John H. Shary Subdivision AO-I to R-1T

Guadalupe & Alberto Ramon

No action.

Started: 5:43 p.m. Ended: 5:56 p.m.

Item #1.4 Rezoning:

A tract of land containing 3.532 acres. being a part or portion out of Lot 20-11,

West Addition to Sharyland

C-3 to R-3 Ellen Moskalik

Ms. De Luna went over the write-up stating the site is located on the southeast corner of Business Hwy. 83 and Bryan Road – see vicinity map.

SURROUNDING ZONES:

N: C-3 - General Business

E: **R-5** - High Density Manufacturing Housing (non-existent)

W: C-3 - General Business

S: C-3 - General Commercial

EXISTING LAND USES:

N: Vacant

E: Tropical Valley Acres RV Park

W: Mission EDC Commercial S:

Site: Vacant

FLUM:

General Commercial (GC)

REVIEW COMMENTS: Although the Future Land Use Map at this time is GC, staff notes that it serves as a guide for development. An R-3 zone is considered to be a lesser dense than what is currently zoned. On 2/12/24, the City Council voted to approve Resolution #1889 in favor of an R-3 multi-family development for this area. The proposed R-3 development will be private and gated for senior's only. Staff notes that the Future Land Use Map can be amended to reflect the R-3 use. Although staff recommendation is for approval, P&Z can make its own recommendation to the City Council considering comments in favor or against the request.

RECOMMENDATION: Staff recommends approval.

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

Mr. Alfredo Izmajtouich with the Cesar Chavez foundation was present representing the applicant. He mentioned that they were proposing to develop 113 senior units. He added that the front side will be developed at a future date.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to the approve the rezoning as per staff's recommendation. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:26 p.m. Ended:

6:29 p.m.

Item #1.5

Conditional Use Permit:

To Place 2 Temporary Mobile Offices

for Office Use

107 International Boulevard Lot 2A, Mission Business Park I-1 B2Z Builders, LLC

Ms. De Luna went over the write-up stating the subject site is located on the northeast corner of Industrial Way and International Boulevard. The applicant desires to place two (2) 8' x 20' modular offices for the sole use of day-to-day business operations of said construction company. Access to the site is off of International Boulevard.

- Days/Hours of Operation: Monday Saturday from 7:00 a.m. to 6:00 p.m.
- Staff: 4 employees
- Parking: Based on the square footage of the buildings a total of 4 parking spaces are required. The
 applicant is proposing 7 parking spaces, thus compliant with the parking requirements.
- Landscaping: The city requires 10% of landscaping, the applicant is proposing 15% of landscaping including caliper trees.

REVIEW COMMENTS: It is not uncommon to have portable buildings in office settings. Staff mailed out 8 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. If approved, the portable buildings will be used for a maximum of 2 years at which time a permanent structure will be considered.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 2 year approval to assess this operation,
- 2) Compliance with all City Codes, (Building, Fire, Parking, etc.), and
- 3) CUP not transferable to others.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to the approve the conditional use permit. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m. Ended: 5:59 p.m.

Item #1.6

Conditional Use Permit:

Mobile Food Truck- Seoul Food Truck

2509 Colorado Street, Ste. 207

Lot 1, Block 2, Santa Lucia Development

C-3

Seoul Food Truck, LLC

Ms. De Luna went over the write-up the subject site is located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street – **see vicinity map**. The applicant is leasing a space on the Mobile Food Park and would like to place his mobile food truck to offer Korean Food. Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- Days & Hours of Operation: Tuesday Sunday from 6:00 pm to 10:00 pm, Closed on Mondays
- Employees: 7 employees in different shifts
- Parking & Landscaping: The Mobile Food Park measures 134' x 72' for a total of 9,648 sq. ft.
 Based on the square footage they are required 23 parking spaces. The landlord has a total of 67

parking spaces available for this area and has submitted a written agreement to use the parking spaces from the commercial plaza if needed.

Other Requirements: Must comply with all Building, Fire and Health Codes.

REVIEW COMMENTS: Staff mailed out 16 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 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Building, Fire, Health, etc.) 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 entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to the approve the conditional use permit as per staff's recommendation. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m. Ended: 6:04 p.m.

Item #1.7

Conditional Use Permit:

Construct a Drive-Thru Service Window

Taqueria Oviedo
 608 W. Griffin Parkway
 Lot 2, Aziz No. 2 Subdivision

C-3

Taqueria Oviedo c/o Elizabeth Oviedo

Ms. De Luna went over the write-up stating the subject site is located 100' west of Dolores Del Rio Avenue along the north side of W. Expressway 83 – see vicinity map. The applicant proposes to manufacture sheet meet (decoiling and cutting) within his 8,442 sq.ft. existing buildings. His future plans will be to have a display showroom within the building for a total of 18,244 sq.ft. Access to the site is via two driveways off of Expressway 83 Frontage Road. Zoning Code, Article VIII, Section 1.43.3.I states: Any of those permitted uses under the light industrial zoning district would be consider subject to applying for a conditional use permit.

This item was previously considered and approved by City Council on November 14, 2022 for a period of 1 year, however Section 1.54(4) of the Zoning Code states that if a conditional use permit has not been used within one year after the date granted, the permit is automatically canceled. Since it's being over a year and the business has not even started, therefore the need to re-apply.

The applicant proposed to utilize only 1 machine to cut and decoil the sheet metal. The customer would be able to decide the shape and size of the sheet metal that they need. The applicant stated that the roll forming line machine does not exceed 40-50 decibel, thus complying with the noise ordinance.

- Hours of Operation: Monday through Friday from 9:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 1:00 p.m.
- Staff: 3 employees operating the business.
- Parking & Landscape: In reviewing the floor plan, the 5,192 sq. ft. building will require 16 parking spaces and he is proposing 19. Once phase 1 is complete he will need to add an additional 5

parking spaces to comply with the minimum requirement. The applicant is also proposing to have 23,691 sq.ft. of landscaping thus meeting code.

REVIEW COMMENTS: P&Z has reviewed and approved other similar requests for manufacturing and processing products, Staff feels that this new business will be beneficial to the current business area. Staff mailed out 21 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 year re-evaluation to assess this new operation,
- 2.) Must comply with all City Codes (Building, Fire, Landscaping, Parking, etc.),
- 3.) Installation of a solid buffer fence along the north side of the property, and
- 4.) Must acquire a business license.

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

Mrs. Ingrid Menesa was present. She stated that she new that the building didn't meet the new codes that the city required.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre stated that if Delia's Tamales goes all the way to the back and doesn't have an alley, and if they would replat without the alley would it be able to be used.

Ms. De Luna stated that they would need to replat but would limit the access to the house in the back.

Chairwoman Izaguirre stated that the homes behind Delia's Tamales don't have an entrance through the back.

Ms. De Luna stated that the subdivision usually has a plat note that states that the subdivision doesn't have an alley.

Chairwoman Izaguirre stated that the alley belonged to Aziz and the plaza not the home owners.

Mr. Villarreal stated that if the alley should be the reason we should give him access to the window. He added that the alley was a public roadway.

Ms. De Luna stated that the city had an ordinance in place that allowed business to access the alley for their drive-thru but it was creating a problem. She mentioned that commercial vehicles were blocking the alley and damaging water meters. She added that the applicant received money from the EDC to built the drive-thru service window without obtaining the conditional use permit first.

City Engineer Mr. Abel Bocanerga stated that 19 feet distance between the two building didn't meet fire code. He mentioned that fire needed a 12 foot drive thru lane and a 12 foot lane.

Mrs. Austin asked that what was the minimum feet?

City Engineer Mr. Abel Bocanerga stated a minimum of 24ft.

Mr. Alaniz asked that if the hood system was being moved.

The applicant stated that yes that was included in the project.

Chairwoman Izaguirre asked that if the money the applicant received had to be turned back in to the EDC if the item was denied.

Ms. De Luna stated that she didn't know.

Mr. Sanchez asked that if the applicant had considered curb side.

Mrs. Oviedo stated that they have a curb side but didn't have a lot of customers and the customers she has get off.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to "table" the conditional use permit so fire department can be present. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m. Ended: 6:04 p.m.

Item #1.8

Conditional Use Permit:

Renewal:

Sale & On-Site Consumption of Alcoholic

Beverages - Mission Event Center

200 N. Shary Road

Lot 1, Mission Event Center Subdivision

C-3

City of Mission

Ms. De Luna went over the write-up stating the subject site is located 1,200' east of Shary Road along the north side of Ruby Red Blvd. The Mission Event Center has been in business since 2017 and is being used as a Conference Center to host both corporate and social events. Some of these events include: business meetings, conferences, trade shows, special performances, weddings, reunions, birthday parties, etc. The applicant will like to renew the conditional use permit for the sale of alcoholic beverages. The last CUP approved for this location was on February 10, 2020 for a period of 4 years. Staff notes that this would be the second renewal.

- Days/Hours of operation: Monday Sunday from 6am until 2am or as needed
- Staff: 6 employees will man this operation
- Parking & Landscaping: There is a total of 383 parking spaces available for this building and landscaping is meeting code.

In viewing the location map, there are single family residences located within three-hundred feet (300') to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

REVIEW COMMENTS: Staff mailed out 41 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 life of use subject to:

- 1. Continued compliance with all City Codes (Building, Health, Fire, etc.), and
- 2. CUP not to be transferable to others.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 6:07 p.m. Ended: 6:16 p.m.

Item #1.9

Discussion and Action to amend the Planning and Zoning Commission Bylaws

A directive was given to staff to review the bylaws for all the Boards in an effort to make any necessary changes. In the Planning and Zoning Commission bylaws staff proposes the changes below:

Article 1

Organization

C. The tenure for each member of the Planning and Zoning Board shall be for three (3) two (2) years. Vacancies occurring shall be filled for the unexpired term in the same manner as provided for original appointments.

Purpose of this amendment is to be consistent with the other boards.

Article IV

Voting

F. A Planning and Zoning Board member shall only abstain from voting if he/she has a vested interest in a particular proposal before the Planning and Zoning Board and shall sign an affidavit to the conflict (see attached Exhibit A). Should there not be sufficient cause for abstention, the Planning and Zoning Board member shall vote.

Purpose of this amendment is to update city forms for all boards.

Article VI

Meetings

A. Regular meetings shall be on the second and fourth Wednesdays of each month at 5:30 p.m. at the City Hall's Council Chambers.

The Planning and Zoning shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All regular meetings of the Planning and Zoning Commission shall be public and shall be held at a place designated in advance.

Purpose of this amendment is to cut the waiting time an item gets presented to the City Council.

Article VII

Administrative and clerical support for the Planning and Zoning Board shall be provided by the City's Community Development and Planning Department which shall keep any and all records pertaining to business undertaken by the Planning and Zoning Board.

Purpose of this amendment – the Planning Department is the only department that handles and keeps all records pertaining to business undertaken by the P&Z Board.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Villarreal asked that if the term gets reduced does that affect the term the current members have.

Ms. De Luna stated that change would begin next year.

Mr. Villarreal asked that if it was possible that the entire commission can be replaced.

Ms. De Luna stated "yes" but the likelihood is that they won't.

Mrs. Austin asked that how soon before the meetings do the conflict of interest need to be signed?

Ms. De Luna stated that if once the board members would receive their packet and the board member knew that they needed to abstain from an item to notify staff so staff before the meeting to work on the conflict of interest.

Mrs. Garza stated that if a board member wishes to abstain from an item that there is no conflict of interest, can the board member still abstain.

Ms. De Luna stated yes, if the board member wishes to abstain they can.

Mrs. Garza asked that what about adding the alternate board members to vote.

Ms. De Luna stated that she can add that suggestion if the board wishes.

Chairwoman Izaguirre stated that the city attorney stated that if all the board members were present the alternate could not vote. She added that the alternate can vote only when one of the board members was missing.

Mrs. Austin asked that if staff can add the option of zoom.

Ms. De Luna stated that option was only available for city council meetings. But if the commission wanted for staff to add that option they would.

Chairwoman Izaguirre stated that the attorney general stated that board members cannot vote through zoom. She added that board members can join but not vote.

Ms. De Luna stated that to her understanding as long as you have four board members present.

Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to the approve the Discussion and Action to amend Planning and Zoning Commission Bylaws. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:16 p.m. Ended: 6:17 p.m.

Item #2.0

Homestead Exemption

Variance:

Tract 1, being the East 71.41' of the West 126.79' of the South 410' of the North 640' of Lot 7 of the Resubdivision of Lot 14-8 and 15-8, West Addition to Sharyland

Atanacio Machuca

Mr. Ramirez went over the write-up stating the subject site is located south of E. Melba Carter St. at the rear of the lot on the east side of the drain ditch in the unrecorded Earnhard Subdivision aka Melba Carter Subdivision. The property measures 71.40"x 410' or 29,274 sq. ft. exceeding the minimum square footage size requirements for an R1 lot. The applicant proposes to reconstruct a single-family residence.

<u>WATER</u> – The applicant is currently supplied by city water thru an existing water meter along the south side of Melba Carter St. The nearest fire hydrant is located to the east of this tract meeting the minimum distance of 500'. No additional fire hydrants are needed for this site.

<u>SEWER</u> – The applicant is currently connected to the city sewer system. An existing stubout is active and servicing this lot. Sewer Capital Recovery fees do not apply.

STREET & STORM DRAINAGE – The subject site does not have frontage to any streets however it is accessible thru an access easement along the drain ditch approved by the City. A street light is can be found directly on front and across the street of the lot complying with this requirement.

OTHER COMMENTS

Where such homestead exemption variances are proposed. The city may allow the following:

- Waiver of park fees.
- Waiver of any other requirements as approved by the city council.
- Submittal of affidavit of intention to build a single-family residence within one year for personal use only.

RECOMMENDATION: Staff recommends approval subject to any and all requirements noted and or waivers granted.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the Homestead Exemption as per staff's recommendation. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m. Ended: 6:18 p.m.

Item #2.1

Homestead Exemption

Variance:

A tract of land 75' North and South by 150' East and West out of Lot 88,

Mission Acres Subdivision

R-1

Victor Falcon

Mr. Ramirez went over the write-up stating the subject site is located on the southwest corner of N. Los Ebanos Rd. and W. Blake St. The lot measures 75'x 150' or 11,250 sq. ft. The lot exceeds the minimum square footage size requirements for an R1 lot. The applicant proposes to reconstruct a single-family residence.

<u>WATER</u> – The applicant is currently supplied by city water thru an existing water meter along the west side of N. Los Ebanos Rd. The nearest fire hydrant is located approximately 160' west of this property meeting the maximum distance of 500'. No additional fire hydrants will be needed for this site.

<u>SEWER</u> – The applicant is currently connected to the city sewer system. An existing stubout is active and servicing this lot. Sewer Capital Recovery fees do not apply.

<u>STREET & STORM DRAINAGE</u> – The subject site has frontage to N. Los Ebanos Rd. (Existing Collector 80') and W. Blake St. (Minor Street 50'). Currently, N. Los Ebanos Rd. has a 60' ROW therefore a 10' ROW dedication will be requested. There is a street light at the same corner satisfying the requirement for adequate security lighting.

OTHER COMMENTS

Where such homestead exemption variances are proposed. The city may allow the following:

- Waiver of park fees.
- Waiver of any other requirements as approved by the city council.
- Submittal of affidavit of intention to build a single-family residence within one year for personal use only.

<u>RECOMMENDATION:</u> Staff recommends approval subject to any and all requirements noted and or waivers granted.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to approve the Homestead Exemption as per staff's recommendation. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0 ADJOURMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Ms. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6;48 p.m.

Diana Izaguirre, Chairwoman

Planning and Zoning Commission