

**PLANNING AND ZONING COMMISSION
APRIL 17, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Steven Alaniz
J.D Villarreal
Diana Izaguirre
Raquenel Austin
Omar Guevara

P&Z ABSENT

Connie Garza
Kevin Sanchez
Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez

GUEST PRESENT

Omar Ramon
San Juana E. Casas
Yolanda Casas Luna
Steve Marino
Robert Gonzalez
Alberto &Guadalupe
Ramon
George Davis
Dr. Harjap Nanva
Natalie Denise Davis
Loreida Lopez

CALL TO ORDER

Chairwoman Ms. Diana Izaguirre called the meeting to order at 5:30 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR APRIL 3, 2024

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for April 3, 2024. Mr. Omar Guevara moved to approve the minutes. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:33 p.m.

Item #1.1

Rezoning:

Lot 103, Ala Blanca Subdivision out of Unit #3

R-1 to C-3

San Juana E. Casas & Yolanda Casas Luna

Ms. Susie De Luna went over the write-up stating the subject site is located near the NW corner of Ala Blanca Avenue and Business Highway 83 (Loop 374).

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: C-3 – General Business
W: R-3 – Multi-Family Residential
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: Commercial

W: Apartments
S: Acreage
Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The Future Land Use Map reflects a (GC) General Commercial land use, too; thus, C-3 was consistent to GC. With the widening of Business Highway 83, it seems that the C-3 proposal was a better land use at this location. Also, the C-3 proposal is consistent to area zonings and land uses along this arterial. Staff mailed 20 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre stated on the recorded that Mr. Steven Alaniz arrived at the meeting at 5:32 pm

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Omar Guevara moved to approve the rezoning request. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:40 p.m.

Item #1.2

Rezoning:

**A 0.78 acre tract of land out of Lot 265,
John H. Shary Subdivision
AO-I to C-3
Guadalupe & Alberto Ramon**

Ms. Susie De Luna went over the write-up stating the subject site is located approximately ¼ mile north of E. Griffin Parkway (FM 495) along the east side of Shary Road – see vicinity map.

SURROUNDING ZONES:	N:	AO-I – Agricultural Open Interim
	E:	AO-I – Agricultural Open Interim
	W:	R-1 – Single Family Residential
	S:	AO-I – Agricultural Open Interim

EXISTING LAND USES:	N:	Residence
	E:	Vacant
	W:	Residence
	S:	Edinburg Main Canal ROW

Site: Residence

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map, however it complies with some of the surrounding land uses. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. The City Council has approved 3 commercial requests in the same area. Staff mailed out 21 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.

RECOMMENDATION: Staff recommends approval.

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

Mr. Harjap Nanva lives at 2700 N. Shary Road, stated he is against the variance request because there are only single-family homes. He stated his property is next to the property. He stated all round is single family homes. He stated It will be disturbing all the single-family homes in the area.

Mr. J.D. Villarreal asked Ms. Susie De Luna if City Council had approved 3 other commercial establishments in the area?

Ms. Susie De Luna stated that City Council had approved the commercial zoning north of east 25th street was in 2020. The business further north on the east side of Shary Road was approved in 2018. The business on the west side on Shary Road was approved in 2017. She stated City Council approved those areas to commercial. She stated that is the reason why it's recommended to the Planning and Zoning board it recommending commercial because right across the street they have commercial zone.

Mr. J.D. Villarreal asked Ms. Susie De Luna if they are recommending for land use.

Ms. Susie De Luna stated that it was recommendation for Commercial zone a C-3.

Chairwoman Ms. Diana Izaguirre there is anyone else in favor?

Mr. Milo Salinas stated he is with M2 Engineering located at 1810 E. Griffin Parkway. He stated they original brought the item to P&Z previously and he had retracted the item. He stated they were originally going to propose townhomes for the entire property but he was advice that it made more sense that they put commercial in the front. He stated he is proposing the commercial item in the front and his proposing townhouse in the rear the reason being because it's only 190' wide. He stated once you put a street in the middle you only have enough space to do residential townhouse, which are still single family homes. He states it's still up to \$275,000 in value. He stated there are similar ones on Shary Road just South of Mile 3 on the West side of the Road also there are some on Taylor road which he had worked on. He stated the reason they retracted there item last time in the P&Z meeting was to propose a commercial in the front and townhouse in the rear because that's what is able to be done on the property.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. Steven Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to approve the rezoning request. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:51 p.m.

Item #1.3

Rezoning:

**A 4.06 acre tract of land out of Lot 265,
John H. Shary Subdivision
AO-I to R-1T
Guadalupe & Alberto Ramon**

Ms. Susie De Luna went over the write-up stating the site is located approximately ¼ mile north of E. Griffin Parkway (FM 495) along the east side of Shary Road – see vicinity map.

SURROUNDING ZONES:	N:	AO-I – Agricultural Open Interim
	E:	AO-I – Agricultural Open Interim
	W:	AO-I – Agricultural Open Interim
	S:	AO-I – Agricultural Open Interim

EXISTING LAND USES:	N:	Residence
	E:	Vacant
	W:	Residence
	S:	Edinburg Main Canal ROW
	Site:	Residence/Warehouse

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. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. Townhouses are considered to be a Moderate Density Residential designation. Based on the size of the property it would be difficult to comply with the R-1 requirements. Staff mailed out 21 notices to property owners within 200' radius to get their input in regards to this request. As of this date, staff has only received one email against this request.

RECOMMENDATION: Staff recommends approval.

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

Mr. Harjap Nanva lives at 2700 N. Shary Road, stated he is the property owner right north to the proposed property. He stated there are single family stand alone homes. He stated that the townhouse they are proposing are going to be looking in his backyard. He stated that is the reason he opposed the rezoning.

Mr. Steven Marino lives at 2702 N. Shary Road. He stated he opposed the rezoning because they don't want townhouses in the neighborhood also, he doesn't want traffic coming through the area. He stated that the area is a nice secluded spot they have animals and small farms in that area. He stated it wouldn't be good because there is a canal there. He stated that is the reason he opposed the rezoning.

Mr. J.D. Villarreal asked if the motion of the item before is it going to affect the vote?

Mr. Milo Salinas stated that the entire property is based on to rezoning the front to commercial and to be able to do townhouses in the rear of the property. He stated yes the only way to be able to do the subdivision would be to get both zoning approved. He stated that it's a very narrow property. He stated he just did one north of the area. He stated they are going to meet the city's requirements. if its adjacent to a residential property and its still residential and the fencing is different there is an ordinance for it they are going to meet all the ordinance that is required.

Mr. J.D. Villarreal asked if they are going to be doing a single story?

Mr. Milo Salinas stated right now they don't know. He is just proposing 30' x 70' lot. He stated they just took pictures of a two story townhouses just of north of the area. They don't have a set footprint for the townhouses. He stated that it's the applicants retirement plan that this is what they want to do.

Mr. Harjap Nanva stated that the applicants is rezoning it to commercial in the front and in the rear together. He stated its already being used as a commercial business. He stated there is a tax business running and there are apartments already. He stated he isn't opposing the commercial its already commercial. He stated what he is opposing is the townhomes because its going to be invading his privacy. He stated right behind the property there is a pond. He stated that it looks like a pond but its actually an eco-system he has maintained for the migrating birds to come have babies, birds, and ducks all the way from Siberia and North America.

Mrs. Guadalupe Ramon stated that she is the property owner. She added that as far as the business that Mr. Harjap Nanva is indicating for the business, she had come every year to get a Condition Use Permit for her tax business she owns to run business. She added that she got approved for a lifetime Conditional Use Permit. She added that the apartments Mr. Harjap Nanva is referring to she had built it for her children so once they became older they moved out of the home into one of the apartments. She added as of right now they are being used as storage and there is no one renting. She stated that only her and her husband are living there. She added all of her children are old and have moved out on their own. She stated as to the apartments they are going to be together stand alone. She added that she doesn't know yet where they will be a one-story or two story they are waiting for approval from the board in order to make that decision. She stated that if you look at the Taylor Road area you would see that there is 4 townhouse subdivision being built.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquene Austin moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D. Villarreal moved to approve the rezoning request. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 6:03 p.m.

Item #1.4

Conditional Use Permit:

**Home Occupation – Cruz Home Care
1302 E. Griffin Parkway
All of Lot 1 & West 40' of Lot 2,
Enchanted Valley Subdivision
R-1
Pedro Cruz, Jr.**

Ms. Susie De Luna went over the write-up stating the site is located approximately 160' East of Tangelo Street along the South side of E. Griffin Parkway F.M. 495. The applicant has his single-family residence thereon with a paved circular driveway off of E. Griffin Parkway and a driveway off the alley in the rear of the lot. The applicant has applied for a conditional use permit for a home occupation to have a Home Care Office service out of his home. He proposes to utilize 1 side of the home as an office setting for the business. They are a Personal Home Care Business for the elderly and children with disabilities. They hire personal care attendants to aid with daily living activities for individuals within the community and surrounding cities. Their services are provided at their clients' home not at their business. They will have approximately 10 employees come into the office to pick up their paychecks every 2 weeks on Fridays. They have been in business within the City of Mission since August 2021 at 702 E. Griffin Parkway, Ste. 3.

- **Days/Hours of Operation:** Monday – Friday from 8am to 5pm.
- **Number of Employees:** 3 employees & 1 living in the home.
- **Parking:** It is noted that the circular driveway can easily accommodate up to four vehicles and the rear driveway can accommodate up to 6 vehicles.
- Active Business License for the Home Care Office
- Must comply with Sec. 1.56-1, Zoning Code (home occupations regulation.), Inclusive of sign requirements.

Section 1.56.1(d) states there shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.

Section 1.56.1(g) states the planning and zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent bases to the city council who shall have the authority on the matter. With regard to proposed variances to subsections 1.56.1(a),(d) and/or(f), a minimum of 90 percent of the property owners within 200 feet mailout radius shall provide written support for the proposed home occupation to request variance. Should the 90 percent threshold not be provided, no variance shall be considered.

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

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 year re-evaluation to access the new operation,
- 2) Compliance with all City Codes (Building, Fire, and Sign Codes),
- 3) Reducing the number of employees to 1,
- 4) Acquisition of a business license, and

5) CUP not transferable to others.

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

Mr. Omar Ramon stated he owns a couple of lots. He stated Mr. Jeffery he was a pharmacist he added that Mr. Jeffery had developed the property. He stated Emerald Lane is a dead-end street. He added the alley is in very bad shape for a vehicle to be going through there. He stated that he subdivided his property that the 6 lots on Emerald Lane which is 200' long and the lots are 34' w x 60' depth. He mentioned that he has someone maintain his trash can the reason being because there are just very congested. He stated he isn't against the commercial use of the property. He added there should be some type of barrier or some type of fence. He stated that his main concern is that is going to be high traffic in the area. He asked if there is going to be a fencing by the property owners so no one can park in the rear of the property so there won't be high traffic in the rear of the property or alley.

Ms. Susie De Luna stated to her knowledge it's just going to be the 1 person that lives on the property and 1 employee. She stated they are proposing 3 employees they are only allowing 1 employee. She added that they had a capability of have 6 vehicles parked in the rear but

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Steven Alaniz moved to close the public hearing. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Raquene Austin stated they have 10 employees are basically are going to service the citizens at their private homes.

Ms. Susie De Luna stated the employees would only be going to the property to pick up their checks.

Chairwoman Ms. Diana Izaguirre asked if the 2 houses on the side were being used as residential?

Ms. Susie De Luna stated yes there are residential. She added there is 1 commercial property but it is further towards Bryan Road.

Chairwoman Ms. Diana Izaguirre stated even if it's residential they still can go through the rear. She added if it's commercial they usually add a buffer between residential and commercial.

Ms. Susie De Luna stated when she had spoken to Mr. Omar Ramon thought it was being rezoned to commercial. She added that the applicant originally was going to propose to rezone to commercial. She mentioned that the only way to have 3 employees at the business would be if they got 90% of the property owners which they weren't going to get because they had already tried to get signatures from property owners in the area. She mentioned that the applicant knew they have to reduce the employees to one and to one person living on the property.

Chairwoman Ms. Diana Izaguirre stated so they're people living there right now?

Ms. Susie De Luna stated the owner of the business is living there plus 1 employee would be allowed.

Mr. Steven Alaniz asked if we know how many clients they have?

Ms. Susie De Luna stated no.

Ms. Denise Cruz stated that the majority of the employees received direct deposit for their check. She added that she only has 10 employees that come to pick up their paycheck which is every two weeks on Friday. She also mentioned that no employees that don't work at the business won't be using the alley to park. She stated they will be only using the front entrance to pick up paycheck. She stated there will be no use of the alley by the employees other than the one that are going to be working at the business. She stated regarding the alley she as an owner has 4 vehicles. She mentioned that she doesn't know why Mr. Omar Ramon has a concern for the alley since she hasn't had any issue of the traffic or with the alley.

Ms. Raquenel Austin asked if the owners 4 vehicles is going in and out of the home?

Ms. Susie De Luna stated the property owners.

Ms. Denise Cruz stated yes.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D. Villarreal moved to approve the conditional use permit. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:03 p.m.

Ended: 6:04 p.m.

Item #1.5

Conditional Use Permit:

**Regulated Consumer Finance Lender Office on
property zoned (C-2) Neighborhood Commercial
1821 N. Shary Road, Ste. 2
Lot 1, Bannworth Business Center
C-2
Lendmark Financial Services, LLC**

Ms. Susie De Luna went over the write-up stating the site is located along the west side of Shary Road between Village Drive and Mulberry Street. The applicant leased a 1,198 sq.ft. suite for a Regulated Consumer Finance Lender Office and has been in business since January 2023. They provide personal, household credit and loan solutions to consumers. The property is currently zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(d) of the Zoning Code states that Business establishments which perform services on the premises such as banks, loan companies, and real estate offices require a conditional use permit. Access to the site is via a 30' access driveway off of Shary Road. The last CUP approved for this location was on November 28, 2022 for a period of 1 year.

- **Hours of Operation:** Monday – Friday from 8:30 a.m. to 5:30 p.m.
- **Staff:** 4
- **Parking:** Based on the square footage of the suite, there are 6 parking spaces required for this business. It is noted that the parking area is held in common there are 58 existing parking spaces shared with other businesses, thus meeting code.
- **Landscaping:** Staff is recommending to add more plants along Shary Road.

REVIEW COMMENTS: Staff has seen several businesses in a C-2 zone without creating a negative impact to the surrounding areas since the hours of operation are reasonable. 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) 3 year re-evaluation to assess this operation
- 2) Must comply with all City Codes (Building, Fire, Health, etc.),
- 3) CUP not to be transferable to others.

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. Omar Guevara moved to close the public hearing. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to approve the conditional use permit. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:04 p.m.

Ended: 6:06 p.m.

Item #1.6

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages—The Loretto at Mission
1233 E. Griffin Parkway
Lot 1 & the S. 25' of Lot 2, Block 1,
Bel-Aire Heights Subdivision
C-2
LAG Associates, LLC**

Ms. Susie De Luna went over the write-up stating the site is located on the NW corner of Orange Drive and Griffin Parkway. The Loretto has been in operation since September 2015. Access to the restaurant is of a 36' driveway off of E. Griffin Parkway. The applicant would like to continue offering alcoholic beverages with their meals therefore the need for consideration. 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 applicants 4th request.

- **Hours of Operation:** Tuesday – Sunday from 10a.m. to 10p.m., Closed Mondays.
- **Staff:** 8
- **Parking:** The restaurant, which also includes a patio, requires 37 parking spaces for both patrons and staff. The applicant has 30 on-site parking spaces for patrons and the remaining 7 parking spaces are on the adjacent property and are used by staff.
- **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 other similar businesses.

REVIEW COMMENTS: Staff mailed out 16 notices to property owners within a 200' radius of the site. As of the date of this write-up, staff has not received any comments in favor or against this request. Staff asked Mission PD for any incidents reported in relation to the sale of alcohol. There have not been any incidents reported to PD during the CUP's existing tenure. Since the restaurant is not open after 12a.m., and the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for life of use subject to:

- 1) Continued compliance with all City Codes, (Building, Fire, Health, etc.),
- 2) Waiver of 300' separation requirement from residential neighborhoods, and
- 3) CUP not to be transferable to others.

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 6:06 p.m.

Ended: 6:17 p.m.

Item #1.7

Discussion and Action to Amend or Adopt Ordinance for Water Rights

Ms. Susie De Luna went over the write-up stating that a directive was given to staff to develop an ordinance to improve the City's ability to more-responsibly secure water rights for new subdivisions.

Currently, there is a shortage of water throughout the Rio Grande Valley; this continuing shortage is increasingly magnified due to Mexico's refusal to honor its treaty obligation to divert appropriate amounts of water to the United States pursuant to the various treaties to which it is subject. The water shortage problem is compounded by insufficient rainfall in the Rio Grande watershed.

However, these unfortunate circumstances do not diminish the City's responsibility to plan for and provide an adequate water supply for new subdivisions and its projected population.

The City of Mission currently relies on a 43-year-old ordinance (adopted in September 28, 1981) to attempt to provide for its water needs. This ordinance has never been updated, and the time has come to revamp it in order to meet the City's current and anticipated water supply needs.

Chapter 49, Subchapter O of the Texas Water Code provides a mechanism for municipal water suppliers in Cameron and Hidalgo Counties to acquire water rights for municipal use from

irrigation districts that formerly provided irrigation water to land that has been subdivided. In order to acquire these water rights, a municipal water supplier must file a petition with the applicable irrigation district within two (2) years after the date that a subdivision plat has been filed in the official records of the county.

Staff notes that the existing ordinance does **NOT** have a provision that allows the City to charge a developer for the cost of acquiring and converting such water from irrigation use to municipal use. The current ordinance places the responsibility for acquiring sufficient water rights to service the subdivision upon the developer, so it should also be the developer's responsibility to pay the costs incurred by the City if it elects to acquire water rights from an irrigation district under any existing agreement or under Chapter 49, Subchapter O of the Texas Water Code. If the water rights are acquired under Chapter 49, Subchapter O, Section 49.507(b) of the Texas Water Code provides that the purchase price for such water rights cannot exceed sixty-eight percent (68%) of the current market value of the water rights, as determined by the Rio Grande Regional Water Authority (currently \$2,896.81 per acre foot).

Currently, the City is responsible for paying the costs associated with acquiring irrigation rights from an irrigation district and converting those water rights to municipal use, whether such rights are acquired under Chapter 49, Subchapter O of the Texas Water Code, or under the terms of any existing agreements. By adopting the attached amended ordinance, the City will now be able to legally pass along this cost to the developers of land within the City's CCN.

Staff stands ready to hear and further discuss your guiding insight on this urgent matter.

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked even if they were going to approve of the water rights. She added there would have to be a steady in to come up with a certain amount for what going to be charge for water rights.

Ms. Susie De Luna stated what the united irrigation district currently charges right now if the city were to purchase \$3,000 per arce foot. She stated what staff is suggesting would be to charge the existing fee that is be opposed to the city right.

Chairwoman Ms. Diana Izaguirre stated they are charging because it is a municipality. She asked if the staff if they checked how much Sharyland water supplies charges.

Ms. Susie De Luna stated Sharyland charges \$3,042 they charge by the size of the water meter that how they developed it that's how they charge the fees.

Chairwoman Ms. Diana Izaguirre stated out of the \$3,042 is not all of the water rights.

Ms. Susie De Luna stated they charge off the usage of the water meter.

Chairwoman Ms. Diana Izaguirre stated that they need to ask for it break it down.

Ms. Susie De Luna stated they did that is what they provided to them.

Mr. Abel Bocanegra asked if Chairwoman Ms. Diana Izaguirre is asking by them as the water corporation. He added for the water corporation to ask the engineers and developers to break it down.

Chairwoman Ms. Diana Izaguirre stated they break it down separately. she stated they did a study to come up with that amount doesn't mean it's going to be the same amount as everybody else because they all have different connections. She added Sharyland might have \$20,000 and Mission might have \$80,00 or North Alamo might have different then McAllen. She stated to make sure you see the difference between different rates. She added that they aren't going to get Sharyland rate or McAllen rates because they don't know how they came up with that amount.

Mr. Abel Bocanegra stated the water corporation changed rate based on water meters and usage and municipalities exception of McAllen. He stated \$3,000 per acre foot as a base fee.

Chairwoman Ms. Diana Izaguirre asked which municipalities?

Mr. Abel Bocanegra stated Edinburg, Pharr and Weslaco.

Chairwoman Ms. Diana Izaguirre asked if they are on the chart?

Ms. Susie De Luna stated that Weslaco is using the another one and Edinburg is charging \$3,000.

Chairwoman Ms. Diana Izaguirre stated McAllen doesn't have a fixed rate it's to request convey.

Ms. Susie De Luna stated McAllen doesn't it's to request Convey. She stated that the ordinance can be amended they just want something so they can start implementing it because they don't have any fee that they can start charging or any guide to go by.

Chairwoman Ms. Diana Izaguirre stated every 2 years they get the water rights from every subdivision and they get the arable land water rights.

Ms. Susie De Luna stated it can be amended once they get an updated fee. She added the council direction is to at least start with something. She stated if they don't want to start with the \$3,000 water rights to at least start with the \$2,896.81 that was based on 2019 records.

Chairwoman Ms. Diana Izaguirre asked what west side has?

Ms. Susie de Luna stated they are charging \$3,000. She stated they need something that's going to implement the fee because the likelihood that the fee isn't going to go down it will go high. She stated if it does they just have to start implementing something that hasn't been done.

Mr. Omar Guevara asked why is it based of the 2019 rates and not the 2023 rates or anything current?

Ms. Susie De Luna stated she contacted the Rio Grande Regional Water Authority they only provided the information to them from 2019.

Chairwoman Ms. Diana Izaguirre stated they had met 4 years ago and that is when they implemented the rate.

Ms. Susie De Luna stated there is a meeting planned for this year next month.

Ms. Raquenel Austin asked if they projected the rates going up.

Ms. Susie De Luna stated they haven't determined as of now.

Mr. Abel Bocanegra stated as of now nothing is stated officially but they assumption is yes.

Mr. Omar Guevara asked if they wait for them because if they agree to \$3,000 and then the Rio Grande Regional Water Authority meets it in a month and they change it to \$5,000. He added if they have to come back and do it again?

Chairwoman Ms. Diana Izaguirre stated no they would just have to amend what The board approves. She added they had a meeting with the Texas Water Development Board stating they had a meeting with regional water authority they are very conservative. She stated that she believes it won't go up from \$2,800 to \$5,000 and if it goes up it will go up a little bit.

Ms. Susie De Luna stated they at least recommend \$3,000.

Chairwoman Ms. Diana Izaguirre stated they are every conservative they maintain the market value prices so nobody can come and say we are going to sell you the water rights for \$10,000 that's why they have this provision of the 68% of the current market value. She added they do it to help out the municipality so they won't get attacked with being charged more taxes just because it's a bigger city.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Omar Guevara moved to approve to Water Rights. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m.

Ended: 6:19 p.m.

Item #2.0

Site Plan Approval:

**Construction of a Commercial Plaza
(Sergio Nelley Plaza – 1604 W. Griffin Parkway)
Lot 21, Blk 1, Oakwood Estates Subdivision
C-3
Sergio Cerda**

Ms. Susie De Luna went over the write-up stating the subject site is located on the north side of W. Griffin Pkwy (F.M. 495). approximately 145' east of River Oak Ave. – see vicinity map. The developer is proposing one main structure with 2 suites.

The main access will be from W. Griffin Pkwy (F.M. 495) and will be prepped by having the option to connect to the lot on the east and west, respectfully. The building will have a contemporary façade, stucco finishes, and standard metal and glass storefronts. The structure

will measure a grand total of 968 sq. ft. which will consist of 2 units: each unit will be 484 sq. ft. which will include a unisex restroom

The front building setback is approximately 73" from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan. A total of 8 parking spaces, 2 being handicap stalls will be allocated to serve the plaza. There's an existing fire hydrant within the required distance therefore this item is fulfilled with fire lanes noted at restricted locations throughout the site.

Storm water detention area has been designated on the northeast side corner of the lot. Water will then be transferred thru a 24" RCP into the storm manhole and ultimately connecting to the city's storm infrastructure. 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 solid buffer and opaque (solid) gates.
2. Sign permits will be required per tenant
3. Installation of a buffer fence abutting all residential properties

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to the approve the site plan approval. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:19 p.m.

Ended: 6:21 p.m.

Item #2.1

Site Plan Approval:

**Construction of paddel & pickleball courts complex
(RGV Paddel Sports Complex – 2513 Victoria Avenue)
Lot 2, Hampton Inn & Suites Subdivision
C-3
South Texas Development & Construction**

Ms. Susie De Luna went over the write-up stating the subject site is located on Lot 2 of the Hampton Inn & Suites Subdivision situated along the north side of Victoria Dr. approximately 450' west of Taylor Rd. and also adjacent and east of the Hampton Inn & Suites Hotel. – see vicinity map. Site Plan approval is required prior to permit issuance for commercial developments and complexes.

The complex is being proposed as venue to consist of 7 paddel ball and 6 pickleball courts for a total of 18,000 square feet and a 3,500 square foot pro shop to include a bar and lounge for

a grand total of 21,500 square feet. The venue will have a contemporary design with modern open courts and a 2-story pro shop being mostly of glass with solid walls and partitions.

The site will have a main access from Victoria St. and a secondary point of ingress and egress by a shared driveway from the hotel to the west and will also have a 30' common access available from the north side of the property. The Project site would be subject to the development standards for a C-3 Zone District, and would be required to comply with setback noted within. Those setbacks appear to meet and/or exceed the applicable development standards to include height requirements.

Pursuant to Sec. 110-463, the conceptual site plan exceeds the minimum vehicle spaces; therefore, parking for the site would be adequate.

The subject parcel is surrounded by existing development and has the infrastructure in place to support a hotel use. The project will be required to comply with all conditions from Public Works and Engineering, which will further ensure the site is suitable for the proposal

The project site would be required to provide a minimum setback from the front, rear, and street side property lines, which will be landscaped. As indicated on the site plan, the applicant proposes landscaped areas throughout the site. Lighting for exterior illuminated signs or within the parking areas shall be noted not to create a hazardous glare for pedestrians or vehicles, either in a public street or on any private premises.

OTHER COMMENTS:

1. Payment of Capital Sewer Recovery Fees in the amount of \$1500
 - \$750 per acre (1.88)
2. Enclosed dumpsters will be located within the complex to be screened with a 6' block fence with opaque (solid) gates.
3. Installation of a buffer to abut all drainage ponds and residential and adjacent properties.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Omar Guevara moved to the approve the site plan approval. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:24 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

**Conway Village Subdivision
Being 19.118 acres out of Lot 36-6,
West Addition to Sharyland Subdivision
Suburban ETJ
Developer: Rimaga, LLC
Engineer: Melden & Hunt, LLC**

Ms. Susie De Luna went over the write-up stating the subject site is on the southwest corner of W. St. Francis and Conway Ave.-S.H. 107 (Mission Suburban ETJ) — see vicinity map. The developer is proposing a (44) forty-four duplex/fourplex lot subdivision that will include (1) one commercial lot and (1) one detention pond — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corp (SWSC). The developer is proposing to connect to an existing 12" water line located along the south side of W. St. Francis Ave. and along the west side of Conway Ave. – S.H. 107 to provide water service to each lot. There are 6 fire hydrants proposed to be used as filling stations via direction of the Fire Marshal's office.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 12" sanitary sewer line south along the west side of N. Conway Ave. (S.H. 107). The Capital Sewer Recovery Fee is required at \$670.00 per lot and \$750 per ac. for commercial lots which equates to \$31,060.00 (\$670.00 x 43 lots + \$750.00 x 3 ac.).

STREETS & STORM DRAINAGE

All internal streets are 32' Back-to-Back within a 50' Right of Way, access will be from W. St. Francis Ave. The proposed storm drainage system will consist of 6 type "A" inlets. Surface runoff will be conveyed into a proposed detention pond and discharge into the existing road ditch along N. Conway Ave. (S.H. 107) via a pump system and ultimately discharge into Linda Vista Drain which is owned and maintained by HCDD #1. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to payment of Capital Sewer Recovery fee, compliance with the City's Model Subdivision Rules, and meeting any requirements from the County Planning Department.

Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquenel Austin moved to approve the subdivision. Mr. Steven Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#4.0

ADJOURMENT

There being no further items for discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquenel Austin moved to adjourn the meeting. Mr. Omar Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:24 p.m.


Diana Izaguirre, Chairwoman

Planning and Zoning Commission