

PLANNING AND ZONING COMMISSION
APRIL 26, 2023
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

<u>P&Z PRESENT</u>	<u>P&Z ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
Connie Garza Diana Izaguirre Kevin Michael Javier Barrera Raquenel Austin	Ruben Arcaute Steven Alaniz Jasen Hardison	Victor Flores Susie De Luna Jessica Munoz Gabriel Ramirez Pat Martinez Irasema Dimas	Nancy Lougheen Dean Lougheen Raymundo Platas Domingo Flores Dario Rivas Rolando Pena Thelma Garza Isabel Balderas Albert Balderas Manuel Cadriel Jose Gonzalez Maria Ester Pena Salinas David Balderas Sergio Garcia Bertha Serrano Adrianne Rodriguez Gilbert Rodriguez Lalo Ramirez Richard Garza Wayne Pearson Sylvia Riddle Salvador Regalado

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:32 p.m.

CITIZENS PARTICIPATION

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

Maria Ester Salinas who resides at 3318 Compton Drive, stated that why didn't we start the meeting with the pledge of allegiance.

City Attorney Victor Flores stated that the planning department will discuss that.

APPROVAL OF MINUTES FOR APRIL 12, 2023

Chairwoman Izaguirre asked if there were any corrections to the minutes for April 12, 2023. Mrs. Garza moved to approve the minutes. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:43 p.m.

Item #1.1

Rezoning:

**The South 5.4 acres of Lot 38,
Bell-Woods Company's Subdivision "C"
AO-I to R-2
Raymundo Patricio Platas Merino**

Ms. Dimas went over the write-up stating the subject site is located approximately 625' North of W. Mile 2 Road on the West side of Compton Drive.

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:	Vacant
E:	Vacant
W:	Vacant
S:	Vacant
Site:	Vacant

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The applicant's original application was for R-3 (multi-family residential), however it was discovered during the last P&Z meeting that his intention was to develop duplex-fourplex which is actually an R-2 (Duplex-Fourplex zone), a lesser dense than his original application. Staff notes that the proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses. There has been no development in this area since it was annexed to the City back in June 6, 2009. There was public opposition for their original proposal and the concerns voiced were that they did not want any apartments in that area.

RECOMMENDATION: Staff recommends denial.

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

Mrs. Maria Ester Salinas who resides at 3318 Compton Drive stated that she was in opposition. She stated that converting the property into duplex-fourplex is not safe. Her main concerns were that apartments will create more hazards like traffic, and health issues. She added that the street Compton should be changed to Colonel John Compton that lived in that area, he was a friend and a hero.

The applicant Mr. Raymundo Patricio Platas Merino stated that he spoke to the neighbors and were not opposed to the request. He added that he wants to invest to bring taxes to the city. He stated that he was willing to do an environmental study in the area, and invest in utilities.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Garza motioned to close the hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Garza asked what does the future land use map show indicate that area.

Ms. Dimas stated that low density which means single family residential.

Mr. Sanchez stated if staff recommended denial based on the future land use map.

Ms. Dimas stated based on the future land use map and the area.

Mr. Barrera asked what was the closest property that was zoned multi-family.

Ms. Dimas stated that the closest subdivision was Gilberto Gutierrez Subdivision. She added that anyone that would develop in that area would need to expand utilities.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to the deny the rezoning as presented. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:43 p.m.

Item #1.2

Rezoning:

**A tract of land being the South 7.8 acres
of the North 103.8 acres of a certain 203.8
acres tract of land known as the Fernandez
Strip out of Porcion 52
PUD to R-2
M2 Engineering, PLLC**

No Action Taken

Started: 5:43 p.m.

Ended: 5:43 p.m.

Item #1.3

Rezoning:

**Lot 36, Freeway Subdivision Unit No. 4
R-1 to R-2
Rogelio Castillo**

No Action Taken

Started: 5:43 p.m.

Ended: 5:47 p.m.

Item #1.4

Conditional Use Permit:

**Guest House on Property Zoned R-1
Single Family Residential
2304 W. Palm Circle
Lot 48, Palm Acres No. 2 Subdivision
R-1
Joshua Schmidt**

Ms. Dimas went over the write-up stating the subject site is located approximately 144' north of Griffin Parkway (FM 495) along the east side of W. Palm Circle. The request before the Board is to allow an existing storage shed to be converted into a guest home. The lot measures 72' x 138' for a total of 9,936 sq.ft. Guest Homes are allowed under the R-1 (Single Family

Residential) Code 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: All building setbacks are being met. The driveway is more than sufficient to accommodate any incoming vehicle. The applicant is not proposing to have any separate utilities. Staff mailed out 19 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) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement),
- 2) The unit may not have a kitchen nor separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Waive the minimum lot size requirement.

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

Mrs. Adriana Rodriguez who resides at 2308 W. Palm Circle stated that her main concern was that the guest house was not being used for rental purposes.

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

Chairwoman Izaguirre asked if the board had any questions.

Mr. Barrera asked if a stop work order was issued for this construction?

Ms. Dimas stated "No".

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to the approve the conditional use permit life of use. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:52 p.m.

Item #1.5

Conditional Use Permit:

Drive-Thru Service Windows

Snowball Express #2

3124 N. Mayberry Road

Being a tract of land out of the Northwest

1.0 acres of West 5.18 acres of the North 11.03

**acres of Lot 28-9, West Addition to Sharyland
C-2
Elgin Xavier**

Ms. Dimas went over the write-up stating the subject site is located at the SE corner of Mayberry Road and E. Mile 2 Road. The applicant has a 1400 sq.ft. building for his snack shop and is requesting a conditional use permit for the use of the 4 drive-thru service windows at this location. The building has two windows on each side 2 to place an order and 2 to deliver the order. Entrance to the site is derived from a driveway cut along Mayberry Road. The drive-thru lane allows for stacking of approximately 9 vehicles.

- **Days/Hours of Operation:** Everyday from 11:00 a.m. to 1:30 a.m.
- **Number of Employees:** 4
- **Parking:** There is a total of 34 seating spaces in the patio area, which would require 11 parking spaces ($34 \text{ seats} / 3 = 11.3 \text{ spaces}$). Currently, there is a total of 20 striped parking spaces and a drive-thru lane that allows for the stacking of 9 vehicles for a total of 29 parking spaces.
- **Landscaping:** The landscaping requirement is meeting code, except it needs to be maintained.
- Must continue to comply with all City Codes. (Fenced must be repaired, and potholes on parking lot need to be fixed).

REVIEW COMMENTS: Staff notes that this business has been in operation since 2017. Staff has received several concerns regarding the hours of operations staying open until 2:00 a.m., customers using the drive-thru windows will idle waiting for their orders with load exhaust mufflers and loud music playing from their vehicles. Staff supports this local business and would like the applicant to continue his use of drive-thru windows. However, staff also recommends keeping the hours of the drive-thru windows until 10:00 p.m. on weekdays and until midnight on weekends. The long-established residential community directly south and residential lot just east of this business is being impacted by the noise being created by the late hour traffic. The city has a noise ordinance and an obligation to protect these citizens, who have been there long before the business.

Staff has suggested for them to hire off-duty police officers to address the noise and traffic concerns but suggestions have been ignored. Staff notes that the applicant had applied for a conditional use permit back in 2019 and was denied due to noncompliance. Staff mailed out 17 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends denial of the extended hours past 10:00 p.m. Staff is also requesting that the fence, potholes be repaired within 30 days to be in compliance with all city ordinances.

Note: If the P&Z Board is incline to approve the request, staff would recommend the following: 1) 6-month re-evaluation in order to assess compliance, 2) Must comply with all City Codes (repair fence, potholes within 30 days), and 3) hire off-duty police officers to help address the traffic and noise concerns.

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 hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

Mrs. Garza asked how does the traffic flow?

Ms. Dimas stated that it was the same entrance and exit.

Mrs. Austin asked that if more complaints had been made?

Ms. Dimas stated that only in regards to the loud music.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to the approve the conditional use permit as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

City Attorney Victor Flores stated to go back to item 1.4., and clarify the motion if it was approved for life of use.

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.6

Conditional Use Permit:

**Home Occupation – Pet Grooming/Styling
3105 Melody Lane
Lot 3, Johnson City Subdivision
R-1
Salvador Regalado**

Ms. De Luna went over the write-up stating the subject site is located approximately 270' south of E. Mile 2 Road along the east side of Melody Lane. The applicant has his single-family residence thereon with a paved driveway off of Melody Lane. The applicant has applied for a conditional use permit for a home occupation to have a pet grooming/styling service out of his home. He proposes to utilize his dining room, garage and back patio for the business.

- **Days/Hours of Operation:** Monday – Saturday from 8am to 5pm by appointment only.
- **Number of Employees:** Applicant
- **Parking:** It is noted that the driveway can easily accommodate up to four vehicles.

REVIEW COMMENTS: Staff notes that our Code Enforcement Division has an ongoing case because the applicant has been running the pet grooming business out of his residence since January. The applicant was advised to cease operations and go through the conditional use permit process.

Staff mailed out 20 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has received several calls in opposition to the request. The concerns voiced are in regards to increase traffic, inhumane conditional for the animals, business should be in a commercial area, property needs to be upkept. Staff notes that city has approved two other home occupations for Pet Grooming Service back in the 90's, but in those cases, there was no opposition from the residents. Staff made a site visit to the two approved home occupations but they are no longer in business.

RECOMMENDATION: Staff recommends denial.

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. Mrs. Austin moved to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to deny the conditional use permit as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 5:58 p.m.

Item #1.7

**Conditional Use Permit &
Site Plan Approval**

**Sale & On-Site Consumption of Alcoholic
Beverages – Olive Garden
1405 E. Expressway 83
Lots 2 & 3, New Quest Subdivision
C-3
Olive Garden, LLC (c/o Leeanne Calderone)**

Ms. De Luna went over the write-up stating the subject site is located approximately 255' east of Bryan and E. Expressway 83 (IH 2) along the north side of E. Expressway 83 (IH 2). The applicant is proposing to construct a 7,825 sq.ft. building for Olive Garden and would like to offer the sale & on-site consumption of alcoholic beverages with their meals. Olive Garden is the largest company of casual, full-service Italian restaurants in the world. Olive Garden restaurants are full-service, casual dining serving both lunch and dinner. Emphasizing high quality, Olive Garden appeals to all guests with its distinctive combination of attentive personalized service and flavorful entrees served in an inviting, comfortable atmosphere. Access to the site is via 36' common access along the Frontage Road and a 28' access on the north side of the property.

- **Days/Hours of Operation:** Sunday through Thursday from 11am to 10pm, and Friday and Saturday from 11am to 11pm.
- **Staff:** approximately 30 employees maximum per shift, with three often overlapping shifts = 100 total employees (Full and Part-Time)
- **Parking & Landscaping:** In reviewing the floor plan, there are a total of 237 seating spaces, which require 79 parking spaces (237 seats/3 seats=79). The applicant is proposing a total of 124 parking spaces plus a shared agreement with the overall development. Landscaping will be complying with city codes.

REVIEW COMMENTS: 1 enclosed dumpster area will be located on the north side of the building and screened with a 6' block fence and opaque (solid) gates. An 8' opaque screen needs to be installed along the east side of the property next to the residential use.

Staff mailed out 9 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 this request.

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

- 1) Compliance with all City Codes (Building, Fire, and Health Codes, etc.),
- 2) CUP not transferable to others, and
- 3) Acquire a Business License prior to business 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. Barrera moved to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

5:59p.m. Board and City Attorney went into executive session.

6:16p.m Chairwoman Izaguirre entertained a motion to return from executive session. Mrs. Garza moved to leave executive session. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre entertained a motion to remove the item from the table. Mr. Sanchez moved to remove the item from the table. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m.

Ended: 6:57 p.m.

Item #1.8

Tabled Conditional Use Permit:

**Home Occupation – Sale of Firearms
3106 Granite Drive
Lot 14, Stonegate Subdivision
R-1
David Balderas**

Ms. De Luna went over the write-up stating the subject site is located approximately 342' north of Stonegate Drive along the east side of Granite Drive. - **vicinity map**. The applicant has his single-family residence thereon with a paved driveway off of Mile 2 Road. A 6' wooden fence is in place along the residence and covers the backyard. Mr. Balderas has his office in the dining area where he proposes to use as a Firearm Licensing Business. This business will only be used for online fulfillment and order of gun accessories. No customers would be visiting the home. The firearms would be stored in a safe at his home but will only be sold in trade shows. Mr. Balderas long term goals is to move into a commercial location once he has the funds to do so.

- **Hours of Operation:** Monday - Saturday from 1 pm to 6 pm
- **Staff:** Mr. Balderas will be the only person running the operation
- Must continue to comply with Sec. 1.56-1, Zoning Code (Home Occupation regulations)

REVIEW COMMENTS: Mr. Balderas is in the process of obtaining a type 01 (Firearms Dealers License) which would allow him to buy and sell firearms, do repairs and/or custom work on the firearms for customers, sell at gun shows and do online sales. However, before Mr. Balderas is issued a license, he is required to have the approval from the City for a home occupation. Staff mailed out 14 notices to property owners within 200' radius to get any comments in favor or against the request. Staff received one call in opposition to this request. In staff's assessment, the proposed service will not increase traffic and there will be no signage indicating that the site is anything else other than a residence. Staff notes that the City has approved three other Firearms Dealers License in the past for the sale of firearms without any issues.

During the March 22, 2023 P&Z meeting staff received a petition reflecting 50% opposition to the CUP request of property owners within the 200' radius. Staff notes that this petition also included other residents within the Stonegate Subdivisions but are outside the 200' radius. The concerns voiced in the petition refer to their being no infrastructure to support a commercial enterprise, draw additional traffic to the subdivision which only has a single outlet and no through traffic, increasing danger for children and pets, no available parking for business, business hours would increase burden on neighborhood, disrupt the peace and quiet neighborhood, and finally the gun shop would adversely affect the value of the homes.

RECOMMENDATION: Based on the substantial amount of opposition staff is seeking direction.

Note: If the P&Z Board is incline to approve the request, staff would recommend the following: 1) 6-month re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), 3) Compliance with Section 1.56-1 of the Zoning Ordinance, and 4) Must acquire a business license after securing the Firearm License.

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

Mrs. Nancy Loughheed who resides at 3105 Granite Drive stated she was in opposition. She stated that the last petition that was submitted to the Planning department included the last three homes within the 200' radius. She mentioned that her neighborhood doesn't want this type of business in their quiet subdivision. She added that internet sales require customers to pick up firearms and that is what there trying to avoid, Mission has better locations for this type of business.

Mrs. Thelma Garza who resides at 3203 San Pablo stated that she was in opposition. She stated that she was a realtor and that mission has 37 commercial properties for lease some as low as a dollar per sq. ft. She mentioned that there was no reason for this subdivision to turn into commercial.

Mrs. Sylvia Riddle who resides at 2703 Pebble stated that she was in opposition. Her main concern were guns all over the news. She added that she prefers this type of business be taken to a storefront location and not a residential one.

Mrs. Bertha Serrano who resides at 3103 Granite Drive stated that she has lived in that subdivision for five years and would like for this subdivision to remain a quiet neighborhood.

Mrs. Maria Sandoval who resides at 3201 San Pablo stated that she was in opposition. She added that mixing residential with commercial was not a good idea.

Mr. Deal Lougheed who resides at 3105 Granite Drive stated he was in opposition. He stated that he walked around the neighborhood and spoke to the neighbors, and everyone said they were against this request. He added that this business would cause more traffic to the neighborhood and it wouldn't be safe for kids.

Mr. Dario Rivas who resides at 2204 Pebble Drive stated that he was in opposition. He stated that if we give permission to the applicant to sell firearms that it would be like gas stations popping up everywhere.

Mr. Sergio Garcia who resides at 2010 E. 29th Street stated that he didn't believe what they were arguing was valid. He mentioned that no traffic was going to be created since everything was done online. He added that all equipment would be stored in safes, and no firearms would be displayed. He stated that the whole purpose of this license was to sell online legally and at trade shows.

Mrs. Isabel Balderas who resides at 3106 Granite Drive stated that this was a conditional use permit not commercial property permit. She added that this would only be an online store, and no signage would be posted that guns are for sale. She mentioned that her main entrance is on mile 2 where all the traffic is at.

The applicant David Balderas who resides at 3106 Granite Drive stated that he is not the only person with an FFL License. He stated he is not selling to just any individual and he makes sure they have a clean record. He mentioned he is trying to be responsible and have everything right. He added that eventually he would like to have a business in a commercial area.

Mr. Joe Gonzalez who resides at 3007 Dove Ave stated that his main concern was that this was made public that he has firearms at his house.

Mr. Albert Balderas who resides at 3106 Granite Drive stated that everyone had a misconception of selling guns out of our home. He mentioned that all his guns are stored safely in safes. He mentioned that his sons license would be used for online sales and trade shows only.

Mr. Manuel Cadriel who resides at 3102 Flamingo stated that he likes firearms as well. His main concern is that it was a residential neighborhood and accidents can happen everywhere. He added that this business should be away from the public.

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

Ms. Garza asked that if other residents within the 1- or 2-mile radius to his location have permits?

Ms. De Luna stated not to his residence. She mentioned that the only two that are active are the one on Monoco and Mimosa.

Mr. Barrera asked that if the other FFL License holders have had problems like break ins?

Ms. De Luna stated that no problems have been addressed. She mentioned that the existing license holders didn't have opposition when presented.

Ms. Garza stated that she just wanted clarification from the applicant. She asked when a customer purchases a firearm where would the customer pick it up.

Mr. David Balderas stated that the customer would pick it up. He added that he wouldn't have that service that he would only use it for tradeshow. He mentioned that at tradeshow he would have his laptop and run his orders. He mentioned that he would only ship to other FFL license holders.

Mr. Sanchez asked that if a customer wants to see the firearm he wants to purchase, can the customer go to the applicants house?

Mr. David Balderas stated that the customer could but he wouldn't offer those services. He added that he would only show at tradeshow or online.

Ms. De Luna stated that she spoke to ATF and stated that at one point the customer has to contact the seller to sign all paper work.

Mr. Sanchez asked that if the signature had to be a wet one.

Ms. De Luna stated that it had to be a signature. She added that it didn't have to be at the residence but at one-point contact had to be made.

Ms. Garza asked that if Mr. Balderas was not allowing customers to his residence, what were his plans for delivery.

Mr. David Balderas stated that he would ship out to another FFL license holder only. He mentioned if someone in Las Vegas wanted a firearm, he could only ship it to an FFL license holder.

Mr. Sanchez asked hypothetically if I would purchase a firearm from you where would I pick it up.

Mr. David Balderas stated that he would go to a store that holds an FFL license and tell them I want to order a firearm through Mr. Balderas.

Mr. Sanchez asked that where would the paper work that needs to be signed, where would I sign it.

Mr. David Balderas stated at the store where you're at, where I would ship the firearm too.

Mr. Sanchez stated that if at tradeshow everything would be onsite.

Mr. David Balderas stated that everyone has a booth and sets up. He added that he would run a background check and once everything was clear, the exchange would happen.

Mr. Sanchez stated if I purchase a firearm and wanted shipped to point blank, I would pick it up there.

Mr. David Balderas stated "yes".

Mr. Sanchez stated that what if he didn't want to go through that process and wanted to pick up the firearm at Mr. Balderas residence.

Mr. Balderas stated that he could but wouldn't offer those services.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the conditional use permit subject to 1) Limit to online & gun show sales; 2) 6-month re-evaluation; 3) No direct person sales; 4) No signage; 5) Must comply with all City Codes (Building, Fire, etc.); 6) Compliance with Section 1.56-1 of the Zoning Ordinance; and 7) Must acquire a business license after securing the Firearms License; Mr. Alanis seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:57 p.m.

Ended: 7:01 p.m.

Item #2.0

Discussion and Action to Amend Garage Sale Ordinance Amending Chapter 82 – Sales, Article II. – Garage, Porch, Yard, Clubhouse/Recreation Hall, Rummage, Tent, and Estate Sales, Section 82-36. Term of Garage Sale Permit, Section 82-37. Maximum Number of Garage Sales.

Ms. De Luna stated that Several concerns have been voiced to the Planning Department staff in regards to the following:

of Tent Sale permits are allowed – current ordinance allows 2 per year/1 every 6 months

of days Estates Sales are allowed – current ordinance allows 2 days only

of days allowed for Clubhouse/Recreational Hall Park Sale – current ordinance allows 1 day

During a workshop held on April 3, 2023 with the City Council the Sale Permits concerns were discussed. Staff proposes to amend the above ordinance as follows:

- Tent Sales to be allowed 1 every month for 1 day, but not more than a 3-day sale
- Estate Sales to be allowed up to 4 days but must provide proof
- Clubhouse/Recreational Hall Park Sales to be allowed 1 day but no more than a 3-day sale

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. Barrera moved to close the hearing. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Garza asked that if it was allowed for the business owner to have a tent sale and charge for the tent/table.

Ms. De Luna stated “no” this is only for the business.

Mrs. Austin asked how many times can the Clubhouse/Recreational Hall Park Sales be allowed?

Ms. De Luna stated twice a year.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve the amendment. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:01 p.m.

Ended: 7:08 p.m.

Item #2.1

Discussion and Action to Amend the Off-Street Parking Requirements for Commercial Developments

Ms. De Luna went over the write-up stating that a concern has been voiced to the Planning Department staff regarding the minimum standard requirements for commercial buildings. Most of the existing commercial buildings have outgrown their parking. When most of these commercial establishments were originally presented to staff they were considered shell buildings for the majority of the time. The parking for a commercial building is based on square footage. It's not until the owner sells or rents the unit that staff has an idea of the proposed use. Off-street parking is calculated based on the use and if the use is unknown then it is calculated based on square footage. The off-street parking requirements for commercial developments inside and outside the Central Business District has not been amended since September 14, 1981.

Staff proposes to upgrade the parking requirements for commercial developments outside the Central Business District to be amended as follows have 1 parking space for every 200 sq.ft. (after the 1st 200 s. ft. equates to 4).

During a workshop held on April 3, 2023 with the City Council the off-street parking concern was discussed. Staff and the City Council considered different locations and saw the need for additional parking but at the same time don't want to discourage future developments from coming into our City. So, in a matter to compromise the City Council opted to reduce the square footage from 400 sq.ft. to 300 sq.ft. and work from there.

Example: New Commercial Development of 3,000 sq.ft.

Current Code

4 parking spaces for 1st 400 sq.ft.
3,000 sq.ft. – 400 sq.ft. = 4 spaces
(bal.) 2600 sq.ft. divided by 400 sq.ft. = 6.5
4 spaces + 7 spaces = 11 total spaces

Staff's Proposal

4 parking spaces for 1st 200 sq.ft.
3,000 sq.ft. – 200 sq.ft. = 4 spaces
(bal.) 2800 sq.ft. divided by 200 sq.ft. = 14
4 spaces + 14 spaces = 18 total spaces

City Council Consensus

4 parking spaces for 1st 300 sq.ft.
3,000 sq.ft. – 300 sq.ft. = 4 spaces
(bal.) 2700 sq.ft. divided by 300 sq.ft. = 9
4 spaces + 9 spaces = 13 total spaces

FYI, on same sq.ft. other cities would impose
McAllen would impose – 11 parking spaces
Edinburg would impose – 11 parking spaces
Pharr would impose – 12 parking spaces
Mission would impose 11 parking spaces

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. Mrs. Austin moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre stated that when a plaza is being built they calculate the number of parking by the square footage. She added that building a restaurant changes the calculation.

Ms. De Luna stated that the way to calculate the parking for a restaurant was different. She added that restaurants are calculated 1 parking space for every 3 seats. However, we calculate both by square footage and by seats. She mentioned that there are different requirements for parking depending on the use, this would only be for establishments outside the central business area.

Chairwoman Izaguirre mentioned that for example Brick Fire had enough parking spaces, but when they added the food truck then the parking was not in compliance.

Ms. De Luna stated that this ordinance would only be imposed on new commercial development.

Mrs. Garza asked how do you calculate shared parking spaces.

Ms. De Luna stated depending on the use or the square footage of the building.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the amendment. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:08 p.m.

Ended: 7:14 p.m.

Item #2.2

Discussion and Action to Adopt the Special Use Permit

Ms. De Luna went over the write-up stating that a directive was given to staff to work on an ordinance that would give the City Manager the authority to approve a permit for certain special events to help expediate the process. During a workshop held on April 3, 2023 with the City Council the Special Use Permit was discussed. Staff and the City Council considered the different type of events that would qualify for this permit and the process that needed to be followed in order for a permit to be granted. The applicant would still need to apply, proposed dates of operation, a site plan showing the parking and would need to be in compliance with all City Codes. The following events would qualify for the Special Use Permit:

- City Sponsored Events
- Pop-up Markets
- 1 Day Events
- City Manager's discretion

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. Mrs. Austin moved to close the hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked that if this permit was for the carnival?

Ms. De Luna stated "No" that required a Conditional use permit.

Chairwoman asked what kind of events would require this permit?

Ms. De Luna stated that one-time events, for example funfairs.

Ms. Garza asked are you going to be recommending how many Special Use Permits can be issued?

Ms. De Luna stated that the city manager would have control over that.

Chairwoman Izaguirre asked that what was the definition of a pop-up market?

Ms. De Luna stated that it's a business that rents tables or offers to vendors to come and sell products not in their store.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the special use permit. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:14 p.m.

Ended: 7:17 p.m.

Item #2.3

Discussion and Action to Rescind Parking on the Grass Ordinance No. 5001

Ms. De Luna went over the write-up stating that this ordinance was created because our Code Enforcement Officers were enforcing based on a definition "off-street parking requirements" and not with an actual ordinance restricting the parking on the grass. This ordinance was adopted by the City Council on March 22, 2021. Shortly, after the adoption of this ordinance staff received numerous complaints regarding the adoption of the ordinance. The complaints referred to city was only targeting the older subdivisions that don't have room for a 2-car driveway. City official received negative feedback. The Post Master had a concern because the residents were parking on the street and blocking the mailboxes making it impossible to deliver the mail. On February 28, 2022 this ordinance was reconsidered either to enforce or rescind and during the meeting the City Council tabled the item and put a moratorium on issuing citations in the meantime while the ordinance was revised. During a workshop held on April 3, 2023 with the City Council the No Parking on the Grass Ordinance was discussed. The consensus from the City Council was to rescind the ordinance but still enforce the junk vehicles parked on the property.

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 hearing. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre asked what is considered a junk vehicle?

Ms. De Luna stated that a junk vehicle was an inoperable vehicle.

City Attorney Victor Flores mentioned that a junk vehicle was defined in our code of ordinances.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve to rescind the ordinance. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:17 p.m.

Ended: 7:37 p.m.

Item #2.4

Variance request by Quintanilla, Headley & Associates on behalf of Ricardo Salinas to the Subdivision Code for unrecorded Papillion Square Subdivision, A 1.977 acre tract of land being a 2.00 acre tract out of lot 25-11, West Addition to Sharyland a/k/a Papillion Square Subdivision

Ms. De Luna went over the write-up stating that On August 18, 2022 staff received an application for Papillion Square Subdivision. This proposed subdivision is located at the northeast corner of Griffin Parkway (FM 495) and Bryan Road. The developer is proposing a 1-lot subdivision. It is commercially zoned and he would like to do a commercial plaza at this location. On November 7, 2022 the Project Engineer, Alfonso Quintanilla submitted a letter for a variance request to the Subdivision Requirements for the following:

- Bryan Road Paving widening plus curb and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road.

Now, due to the nature of the proposed use, amount of people working in the subdivision, effects on traffic, health, safety and convenience in the vicinity it was determine by staff that there were no hardships to consider that would prevent this development therefore full compliance would be required for the Subdivision approval. Staff is requiring the same requirements that would be imposed on any new subdivision. After conferring with the developer, on staff's recommendation he would still like these variances to go before the P&Z Board and City Council for their consideration.

On April 20, 2023, Mr. Quintanilla subdivision a new variance request letter and is now asking for the following variances from the Subdivision Requirements:

- Bryan Road Paving widening plus cub and gutter
- Replacement and size increase from 4" to 8" waterline along Bryan Road
- Drainage Improvements along Bryan Road

RECOMMENDATION: Staff recommends denial.

*Note: If P&Z is incline to approve the variance requests, then we would suggest that a contractual agreement be made and allow the developer to proceed with the understanding that once the improvements are required then he would have to comply.

Vice Chairman Barrera asked if the board had any questions.

Mr. Lalo Ramirez who works for Quintanilla, Headley & Associates is representing the developer stated that the improvements that are being requested through the variance request should've been done by the city a long time ago. He added that a major expense would be imposed for the developer by extending the water line and drainage improvements and expanding Bryan road only on one side wouldn't do anything for the area.

Mr. Sanchez stated that the city is requiring these improvements to be done and you don't want to do it.

Mr. Lalo Ramirez stated "yes" these requirements are from the city and the developer is requesting a variance.

Mr. Sanchez stated if Mr. Ramirez thinks that the city is responsible for these improvements.

Mr. Lalo Ramirez stated that the 4" waterline is under sized, and has been there for a long time. He added that the developer thinks that the city should've upgraded a long time ago. Mr. Ramirez stated that fire hydrants can't be placed on a 4" waterline. He mentioned that widening one side of Bryan would require an inlet and that is part of the drainage improvements.

Mr. Sanchez asked if only the east side of Bryan would be widening.

Mr. Lalo Ramirez stated only the east side and the frontage, which is part of the subdivision process.

City Engineer Mr. Abel Bocanegra stated that requirements for new development are depending on the area. He added that a 4" waterline is not enough for fire protection and require the developer to upgrade the waterline. He mentioned that a detention pond is also required onsite to help with any flooding issues.

Mr. Sanchez asked if these variances have been approved in the past?

Ms. De Luna stated that she didn't recall any variances that have been approved. Ms. De Luna added that she met with the applicant and he stated that these improvements are to costly for him. She mentioned that an alternative would be if the board would consider a contractual agreement to start development to get revenue to pay the improvements.

Mr. Lalo Ramirez stated if the developer ends up selling the property, and the property is rezoned residential the same improvements are required.

Mr. Abel Bocanegra stated that for residential no outside waterline is required, but if the fire marshal requires a fire hydrant then one would need to be installed. He added that if the fire hydrant is required on the north west corner then the developer would need to extend the water line and drainage.

Mr. Sanchez stated if he would purchase the property, and rezone it single family residential. He mentioned that if he would have to pay to upgrade all improvements.

Mr. Abel Bocanegra stated "yes" all improvements would need to be done.

Ms. Garza asked if this was required for all developers?

Ms. De Luna stated that these are required when developing a new subdivision.

Ms. Garza asked how did the developer feel about your recommendation?

Ms. De Luna stated that the developer wants all variances to be granted.

City Attorney Mr. Victor Flores stated that the proposal are 3 variances if the board wants to approve only one or all three.

Mr. Abel Bocanegra stated that the property requires onsite dentition.

There being no further discussion, Vice Chairman Barrera entertained a motion. Mr. Sanchez moved to deny all variances. Mrs. Austin seconded the motion. Upon a vote, the motion passed 3-1 unanimously.

Started: 7:39 p.m.

Ended: 7:40 p.m.

Item #2.5

Site Plan Approval:

**Construction of two Warehouse Buildings
Lot 1, Manok Harbor Freight Mission Subdivision
C-4
Omar Development, LLC**

Mr. Ramirez over the write-up stating that the subject site is located on the south side of the W. Expwy 83 (IH 2) along Frontage Rd. approximately 570' west of Conway Ave. (S.H. 107) The developer is proposing two main structures on the property being a vacant 6.79-acres.

Upon reviewing the site plan, main access will be from W. Expwy 83, Frontage Rd. The sizes for building "A" and "B" will measure 43,560 sqft. and 41,640 sqft respectively.

The front building setback is approximately 140' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 138 parking spaces will be allocated to serve the building, 6 being handicapped stalls. There will be 5 fire hydrants available on the north, east, and south property lines and fire lanes will be noted at restricted locations throughout the parking zone.

The proposed drainage shall consist of surface runoff into a regional detention pond discharging into a city curb inlet along Abelino Street. 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. 2 enclosed dumpsters 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 5' sidewalks along Frontage Rd.

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. Sanchez moved to approve the site plan. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:40 p.m.

Ended: 7:41 p.m.

Item #2.6

Site Plan Approval:

Construction of a Commercial Building

Lot 2, Manok Harbor Freight Mission Subdivision

C-4

Omar Development, LLC

Mr. Ramirez over the write-up stating that the subject site is located on the south side of the W. Expwy 83 (IH 2) along Frontage Rd. approximately 570' west of Conway Ave. (S.H. 107) The developer is proposing one main structure on the property being a vacant 2.78-acres.

Upon reviewing the site plan, main access will be from W. Expwy 83, Frontage Rd. The building's size will measure 15,936 sqft. for mercantile use.

The front building setback is approximately 196' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 78 parking spaces will be allocated to serve the building, 2 being handicapped stalls. There is an existing fire hydrant along Frontage Rd. and fire lanes will be noted at restricted locations throughout the parking zone.

The proposed drainage shall consist of surface runoff into a regional detention pond discharging into a city curb inlet along Abelino Street. 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. enclosed dumpsters 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 5' sidewalks along Frontage Rd.

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. Mrs. Garza moved to approve the site plan. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:41 p.m.

Ended: 7:42 p.m.

Item #2.6

Site Plan Approval:

Construction of a Restaurant

(Taco Bell – 408 W. Griffin Parkway)

A 2.48 acre tract of land out of Lot 25-5,

West Addition to Sharyland

C-3

ETX Bell Properties

Mr. Ramirez over the write-up stating that the subject site is located north of W. Griffin Pkwy (F.M. 494) approximately 970' east of Holland Ave. The developer is proposing one main structure on the property being a vacant 2.48 acre tract of land.

Upon reviewing the site plan, access will be from W. Griffin Pkwy and through a shared common access easement connecting the adjacent business on both sides. The building size will measure 2,520 sqft. to include a drive thru window.

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 23 parking spaces are allocated to serve the business with an additional 12 car stacking within the drive thru lane. A fire hydrant and its assemblies is located at the southwest corner of this property. Fire lanes will be noted at restricted locations throughout the site.

Storm water detention area has been designated on the north and south 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. A sign permit will be required.
3. Installation of a 5' sidewalk along Griffin Pkwy

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. Mrs. Garza moved to approve the site plan. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 7:42 p.m.

Ended: 7:43 p.m.

Item #3.0

**Preliminary & Final:
Plat Approval**

El Cordero Subdivision

Being a 20 acre tract of land out of Lots 25 & 26

Block 15, Texan Gardens Subdivision

Suburban ETJ

Developer: Pena Chapa Development, Inc.

Engineer: South Texas Infrastructure Group

Mr. Ramirez over the write-up stating that the subject site is located on Western Rd. approximately 2,700' north of 6 Mile Line Rd. (Mission Suburban ETJ) – see vicinity map. El Cordero Subdivision is a proposed 33 Single Family Residential lot subdivision.

WATER

The water CCN belongs to Agua Special Utility District. The developer is proposing to connect to an existing 8" water line located along the west side of Western Rd. to provide water service to each lot. There will be 3 fire hydrants to be used as filling stations via direction of the Fire Marshal's office.

SEWER

Sanitary Sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot meets or exceeds the county's typical ½ acre standard where septic tanks are permitted. This is not within the City of Mission's Sewer CCN.

STREETS & STORM DRAINAGE

The proposed internal street is a 32' back-to-back within a 50' Right of Way. Access will be from Western Road. The proposed drainage system shall consist of internal inlets in the street to collect surface runoff. Pipes sizes range from 18" to 36" to have an outfall to PD-lateral, to be extended and maintained by HCDD No. 1. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommend approval subject to meeting the Model Subdivision Rules complying with the street alignment policy and meeting any comments from the County Planning Department.

Vice Chairman Barrera asked if the bored had any questions.

There was none.

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

ITEM #4.0

ADJOURMENT

There being no further items for discussion, Vice Chairman entertained a motion. Mr. Sanchez moved to adjourn the meeting. Ms. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 7:44 p.m.



Diana Izaguirre, Chairwomen
Planning and Zoning Commission