

**PLANNING AND ZONING COMMISSION**  
**APRIL 3, 2024**  
**CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Steven Alaniz  
Connie Garza  
J.D Villarreal  
Kevin Sanchez  
Diana Izaguirre  
Raquenel Austin  
Omar Guevara  
Jasen hardison

**P&Z ABSENT**

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Patricio Martinez  
Irasema Dimas

**GUEST PRESENT**

Victor Anzaldua  
Oailia Enriquez  
Julio Garcia  
Beverly Risley  
Martin Risley  
Cesia Alfaro  
Judith Ponce  
Chris Burns

**CALL TO ORDER**

Chairwoman Izaguirre called the meeting to order at 5:31 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR MARCH 13, 2024**

Chairwoman Izaguirre asked if there were any corrections to the minutes for March 13, 2024. Mr. Guevara moved to approve the minutes. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

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

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

**Item #1.1**

**Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Leonor Street being the 900 block of Leonor Street, approximately 0.25 of a mile west of the Intersection of Inspiration Road and W. Business Hwy 83**

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of the 900 Block of Leonor Street. This would be the 1<sup>st</sup> of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal if for their own development.

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

Mr. Ruben De Jesus with Melden & Hunt Engineering stated that he was present to answer any questions.

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

Mr. Kevin Sanchez stated that if the estimated \$25,000 exceeded that amount was Killam Development responsible for those fees.

Mr. Ruben De Jose stated that those fees were design fees that the Union Pacific will do. He added that the proposal was given to the city.

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

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

**Ended: 6:12 p.m.**

**Item #1.2**

**Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Los Indios Road being the 100 block of Los Indios Road, at the intersection of S. Conway Avenue and Los Indios Road**

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of the 100 Block of Los Indios Road. This would be the 2<sup>nd</sup> of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

Mr. Victor Anzaldúa stated that he resides at 3739 Lopez Street. He asked that if this closure was going to be closed temporary or permanently.

Ms. De Luna stated that it would be closed permanently. She added that a new opening was going to be done further north of that property.

Mr. Victor Anzaldúa stated that his family had been living in that area for many years. He added that if there was any way to leave that road open.

Mrs. Leticia Trevino stated that she resides at 3736 Beatty Street. She asked that why can't the street that is being proposed be open further down through the other houses.

Chairwoman Izaguirre that the opening being proposed was on the north side.

Mrs. Leticia Trevino stated that there was a house further down that was used for construction. She added that why can't they use that location and leave Madero alone.

Mrs. Maria Ochoa who resides at 3731 La Lomita stated that what was the benefit for Madero residents by closing Los Indios. She added that by closing that street it would cause more traffic in that area. She mentioned that she was against the closure.

Mrs. Noemi Garza who resides at 4036 Garza Street stated that they were getting disportioned from Madero just to give them a bigger street. She mentioned that a lot of residences use Los Indios to go in and out.

Mrs. Melinda Perez who resides at 3937 La Lomita stated that she disagrees with the road closure.

Mr. Ruben De Jesus with Melden & Hunt stated that he had an exhibit that he would like to share with the audience. He added that the improvements that were being proposed were for the region not only for the new subdivision.

Chairwoman Izaguirre asked that what was the minimum distance between crossings that Union Pacific is requesting.

Mr. Ruben De Jesus stated that there wasn't a set distance. He added that what Union Pacific wanted to do was to limit the number of crossings.

Chairwoman Izaguirre stated that why can't you leave that crossing and add the new one.

Mr. Ruben De Jesus stated that what there were trying to do is have a centralized location.

Chairwoman Izaguirre stated that in regular subdivision, several exits onto the main road are required. She added that by doing the closure they would completely remove the exits to the main road.

Mr. Ruben De Jesus stated that Madero would stay with the full access to the main road on the south side. He mentioned that what was needed was one access to the main road which was limited by the Union Pacific crossing. He added that three openings had to be eliminated to get one access.

Mrs. Austin asked that what was the distance that the residents had to travel.

Mr. Ruben De Jesus stated a quarter of a mile. He added about a 2-minute drive.

Mr. Ruben De Jesus showed his exhibit to the audience.

Mrs. Austin stated that the new opening looks wider than the older one. She mentioned that it would provide better access for traffic.

Chairwoman Izaguirre asked that what was the reason that the existing Los Indios Road not be upgraded. She added is it because the water tower is in the way.

Mr. Ruben De Jesus stated that property belongs to the City of Mission.

Mrs. Garza asked that if that intersection would get closed. She added how many entrances would Madero have for emergency services.

Ms. De Luna stated that the south entrances would be used.

Chairwoman asked that what were the three crossing being closed.

Mr. Ruben De Jesus stated that it was the Leonor, the existing farm crossing where the current construction is being done, and Los Indios. He added that they tried looking for alternate locations but these were the best three to work with.

Mrs. Garza asked that if it was possible to do it on the existing crossing.

Mr. Ruben De Jesus stated that it became very limited to what needed to be done.

Discussion amongst the board in regards to alternate locations that could be closed.

Mr. Chris Burns with Killam Development stated that the Los Indios new crossing was established to be there to follow the alignment for the fara plan with the City of Mission and has been accepted through master plans.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to "table" the request. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:12 p.m.**

**Ended: 6:14 p.m.**

**Item #1.3**

**Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad of Farm Crossing at 3101 S. Conway Avenue being approximately 0.30 miles north of the intersection of S. Conway Avenue**

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of Farm Crossing at 3101 S. Conway Avenue. This would be the 3<sup>rd</sup> of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

There was none.

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

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:14 p.m.**

**Ended: 6:17 p.m.**

**Item #1.4**

**Discussion and Action to Recommend to the City Council the opening of New Los Indios Parkway required by Union Pacific Railroad being approximately 0.25 miles north of the intersection of S. Conway Avenue and Los Indios Road**

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the opening of New Los Indios Parkway Railroad crossing.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

Mr. Ricardo Trevino who resides at 3736 Beatty Street stated that he was in favor of the request.

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

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:17 p.m.**

**Ended: 6:20 p.m.**

**Item #1.5**

**Rezoning:**

**A tract of land containing 37.50 acres of land,  
being part or portion of Lot 30-9,  
West Addition to Sharyland  
AO-I to R-1  
Carlos Garza**

Ms. De Luna went over the write-up stating the subject site is located 2 ½ mile north of Mayberry Road along the east side – see vicinity map.

**SURROUNDING ZONES:**

N: Palmhurst City Limits  
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 /Residential  
W: Vacant /Residential  
S: Vacant  
Site: Vacant

**FLUM:**

Low Density Residential (LD)

**REVIEW COMMENTS:** The proposed zone does comply with the City's Future Land Use Map, and current surrounding land uses.

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 is recommending Approval.

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

Mrs. Jeanette Cavazos stated that she owned property in the area. She added that she was for the rezoning request.

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

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the rezoning request. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:20 p.m.**

**Ended: 6:21 p.m.**

**Item #1.6**

**Rezoning:**

**A 1.00 acre tract of land out of  
Lot 263, West Addition to Sharyland  
AO-I to R-1A  
Everardo P. Sustaita**

Ms. De Luna went over the write-up stating the subject site is located ¼ mile north of E. Griffin Parkway along the east side of Glasscock Road – see vicinity map.

**SURROUNDING ZONES:**

N: R-1A – Large Lot Single Family Residential  
E: R-1A – Large Lot Single Family Residential

W: R-1 – Single Family Residential  
S: AO-I – Agricultural Open Interim

**EXISTING LAND USES:**  
N: Residential  
E: Residential  
W: Residential  
S: Residential  
Site: Residential

**FLUM:** Low Density Residential (LD)

**REVIEW COMMENTS:** The proposed zone does not comply with the City's Future Land Use Map, however it complies with the current surrounding land uses.

Staff mailed out 33 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

**RECOMMENDATION:** Staff is recommending Approval.

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

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the rezoning request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously

**Started: 6:21 p.m.**

**Ended: 6:24 p.m.**

**Item #1.7**

**Conditional Use Permit:**  
**Construct (5) Pickle Ball Courts – Incredible**  
**2140 E. Business Highway 83**  
**Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision**  
**C-4**  
**Felipe Cavazos**

Ms. De Luna went over the write-up stating the site is located 200' East of Ragland Road along the South side of E. Business Highway 83 —**see vicinity map**. In an effort to attract more business to his Facility the applicant is proposing to construct (5) outdoor Pickle Ball Courts measuring 56' x 124' behind the existing building. Access to the site will be via 2 driveways off of E. Business Highway 83. The site currently has a bowling alley and outdoor batting cages. It is noted that the applicant used to have a 60' climbing tower which has been removed and is now proposing the pickle ball courts.

- **Days/Hours of Operation:** Sunday – Saturday from 12 pm to 12 am

- **Parking & Landscaping:** the 30,312.00 sq.ft. facility has a total of 156 parking spaces. Landscaping is meeting code. He will need to add lighting for the proposed outdoor soccer Pickle Ball Courts.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.
- **Section 1.44- C-4 Heavy Commercial(3)(b)** states that "Amusement parks, circus or carnival grounds, commercial amusement or recreation development, or other temporary structures used for temporary purposes" are allowed with a Conditional Use Permit.

**REVIEW COMMENTS:** Staff mailed out 34 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

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

1. Compliance with all City Codes (Building, Fire, and Sign Codes),
2. Must comply with noise ordinance, and
3. CUP not transferable to others

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

Mrs. Beverly Risley stated that she had no problem with the pickle ball courts. She mentioned that she just wanted to make sure that a tall fence would be required. She added that if all the lights could face the pickle ball area.

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

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

**Started: 6:24 p.m.**

**Ended: 6:26 p.m.**

**Item #1.8**

**Conditional Use Permit:**

**Drive-Thru Service Windows – Matuul  
2006 E. Griffin Parkway  
Lot 2, Block 1, Springfield Ph. I Commercial  
C-3  
Judith A. Ponce**

Ms. De Luna went over the write-up stating the site is located on the southeast corner of E. Griffin Parkway (FM 495) and Glasscock Road (east of Circle K)—see vicinity map. The restaurant is part of an existing building wherein several businesses operate from. The applicant recently obtained a business license to open a Mexican restaurant but would like to add the drive-thru service to her business. The last CUP for the Drive-Thru Service Window was approved by P&Z on September 28, 2022 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to this site is off of Griffin Parkway (FM 495). All vehicles using the drive-thru service window must exit through the rear and back onto Glasscock.

**Days/Hours of operation:** Monday – Sunday from 7 am to 9pm

**Staff:** 8 employees will man this operation

**Parking:** There is a total of 72 seating spaces proposed, which require 24 parking spaces (72 seats/ 1 space for every 3 seats = 24 parking spaces). It is noted that the parking areas is held in common in this commercial plaza (40 parking spaces) and are shared with other businesses. Access to the common parking is derived off of two ingress/egress points.

**Landscaping:** Landscaping already exists and exceeds the City's requirements.

**REVIEW COMMENTS:** Staff mailed out 27 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

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

- 1) 1 year re-evaluation to assess the new business,
- 2) Compliance with all City Codes (Building, Health, Fire, etc.), and
- 3) CUP not to be transferable to others

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

There was none.

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

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

**Started: 6:26 p.m.**

**Ended: 6:28 p.m.**

**Item #1.9**

**Conditional Use Permit:**

**Restaurant in a C-2 Zone – Le Petite Pastries  
1821 N. Shary Road, Ste. 7  
Lot 1, Bannworth Business Center  
C-2  
Cesia Alfaro**

Ms. 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. - **see vicinity map**. The applicant leased a 1,152 sq.ft. suite for her restaurant Le Petite Pastries. The applicant will be offering coffee, cookies, brownies, cheesecakes and others in her menu. The last CUP for a restaurant on this location was approved by P&Z on November 16, 2022 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to the site is via a 30' access driveway off of Shary Road. The property is currently zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a conditional use permit.

**Days/Hours of operation:** Monday – Sunday from 7am to 8pm

**Staff:** 2 employees will man this operation

**Parking:** Based on the square footage of the suite, this restaurant requires 7 parking spaces. It is noted that the parking area is held in common there are 58 existing parking spaces shared with other businesses, thus meeting code.

**REVIEW COMMENTS:** Staff has considered other Restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff mailed out 20 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

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

- 1) 1 year re-evaluation to assess the new business,
- 2) Compliance with all City Codes (Building, Health, Fire, etc.),
- 3) Acquisition of a business license, and
- 4) CUP not to be transferable to others

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

There was none.

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

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

**Started: 6:28 p.m.**

**Ended: 6:31 p.m.**

**Item #2.0**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Las Tres Coquetas  
515 N. Conway Avenue  
Lot 10, Block 92, Mission Original Townsite  
C-3  
Jose Enriquez**

Ms. De Luna went over the write-up stating the site is located along the west side of Conway between 5<sup>th</sup> and 6<sup>th</sup> Street—**see vicinity map**. The applicant fenced in a 1,425 sq. ft. area along the south side of the building to add to the existing outdoor patio area. Access to the site can be from Conway or from the alley where there is a paved parking area. The applicant operates a bar and grill which offers alcohol with his meals. The last CUP for the sale & on-site consumption of alcohol at this location was approved on September 22, 2021 for a period of 2 years. Since the use is not transferable to others a new CUP must be considered.

- **Hours of Operation:** Wednesday from 2pm – 11pm; Thursday from 2pm – 12am; Friday & Saturday from 2pm – 1am; and Sunday from 3pm- 10pm. The restaurant will be closed on Monday and Tuesday
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 45 total seating spaces in the indoor area and 11 seating spaces for the outdoor patio area. Although they have a paved parking area off the rear alley, this falls within the central business district so the parking requirements are waived. Striping needs to be required.

- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be 300' from residential and institutional (church) areas. There are residential homes directly behind the alley that fall within the 300'. Guadalupe Catholic Church is outside the 300-foot radius since measurement is taken from front door to front door; P&Z and City Council waived this separation requirement in the CUP's previous approval.

**REVIEW COMMENTS:** The hours of operation are consistent with other family restaurants. We have approved similar CUP's along Conway without any issues just north at El Rodeo Restaurant. As of the time of this writing, staff had not received any calls in favor or against the CUP request. Staff mailed out 23 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) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, 2) Waiver of the 300' separation requirement from residential neighborhoods, 3) striping of the rear parking area, 4) Acquisition of a business license, and 5) CUP not to be transferable to others.

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

There was none.

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

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

**Started: 6:31 p.m.**

**Ended: 6:33 p.m.**

**Item #2.1**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Wing Snob  
801 N. Shary Road, Ste. 100  
Lot 1A, Mirabelle Subdivision  
C-3  
Montenegro, LLC  
c/o Julio Garcia**

Ms. De Luna went over the write-up stating the subject site is located approximately 600' south of E. Business Highway 83 along the west side of N. Shary Road. The applicant leased 1 suite totaling 2,101 sq. ft. within a commercial plaza for a wing restaurant and would like to offer alcoholic beverages with their meals. Access to the site is off a 25' driveway off of N. Shary Road and two 32' driveways off of Mirabelle Street.

- **Hours of Operation:** Monday – Thursday from 11am to 11pm, Friday, Saturday from 11am to 12am & Sunday from 12pm to 9pm.
- **Staff:** 15 employees in different shifts.

- **Parking:** In viewing the floor plan, there is a total of 40 seating spaces, which require 13 parking spaces (40 seats/1 space for every 3 seats = 13 parking spaces). It is noted that the parking area is held in common (135 existing parking spaces) and are shared with other businesses.
- **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.
- Compliance with all building, fire, health, noise, and sign codes.

**REVIEW COMMENTS:** Staff does not object to this proposal. Staff mailed out 23 notices to residents within 200' radius and as of this writing we have not had any calls or letters in favor or against this request.

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

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

There was none.

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

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Austin moved to approve the conditional use permit. Mr. Guevara the motion. Upon a vote, the motion passed unanimously.

**Started: 6:33 p.m.**

**Ended: 6:35 p.m.**

**Item #2.2**

**Conditional Use Permit:**

**Restaurant in a C-2 Zone – Don  
Ponchitos Cafe #5, LLC  
800 E. 1<sup>st</sup> Street  
Lots 88 & 89, Mayberry Plaza UT No. 3  
C-2  
Jenny Hernandez**

Ms. De Luna went over the write-up stating the subject site is located at the SE corner of Mayberry Road and E. 1<sup>st</sup> Street—see vicinity map. The property currently has a commercial building with a nail shop within. The applicant intends to open a Mexican Restaurant on the property. The property is currently zoned Neighborhood Commercial (C-2 zone). Section 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2). The last CUP for the restaurant at this location was approved on March 3, 2023 for a period of 1 years.

- **Days/Hours of Operation:** Monday - Sunday from 7:00 a.m. to 10:00 p.m.
- **Number of Employees:** 3

- **Parking:** The restaurant will have a total of 44 seats which require 15 parking spaces (44 seats/3 = 14.6 spaces). Currently the property has a total of 17 parking spaces that are held in common with the other business. The applicant has submitted a written agreement from the adjoining businesses granting permission to utilize their parking.
- **Landscaping:** The site has minimal green space. Staff would ask for them to install additional landscaping and that once installed it be maintained and irrigated.
- Must comply with all Building, Fire, and Health Codes

**REVIEW COMMENTS:** P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff mailed out 19 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 subject to: 1) 3 yr. re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), and 3) CUP not transferable to others.

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

There was none.

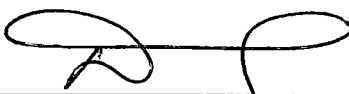
Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

**ITEM#3.0**

### **ADJOURNMENT**

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Mr. Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:35 p.m.

  
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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission