

**PLANNING AND ZONING COMMISSION  
MAY 15, 2024  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

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

**P&Z ABSENT**

Kevin Sanchez  
Jasen Hardison

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Alex Hernandez  
Irasema Dimas

**GUEST PRESENT**

Zoreida Lopez  
Zaida Vargas  
Josue Rodriguez  
Debanhi Perez  
Koraima Canto Arguelles  
Americo Garza Castelan  
Maribel  
Ricardo Caruante  
Armando Rios  
Elizabeth M. Romero  
Deborah Hernandez

**CALL TO ORDER**

Chairwoman Ms. Diana Izaguirre called the meeting to order at 5:34 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR MAY 1, 2024**

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for May 1, 2024. Ms. Connie Garza moved to approve the minutes. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:45 p.m.**

**Item #1.1**

**Rezoning:**

**Lots 1-5, Block 1, North Hampton Subdivision  
R-1 to C-3  
Debanhi Perez & Josue Rodriguez**

Ms. Irasema Dimas went over the write-up stating the subject site is located 355' north of U.S. Expressway 83 Frontage Road along the east side of Mayberry Road. The property's dimensions are 25' x 145' each.

**SURROUNDING ZONES:** N: R-1 – Single Family Residential  
E: P – Public  
W: P – Public  
S: C-3 – General Business

**EXISTING LAND USES:** N: Residential  
E: Open Acreage  
W: Castro Elementary School  
S: Flores Funeral Home

Site: Residential

**FLUM:** Moderate Density Residential (MD)

**REVIEW COMMENTS:** The Future Land Use Map showed this area as a Moderate Density Residential (MD) land use area, which is more consistent with a residential zone such as R-1, R-1T, or R-2 zoning. The land use for this property has been residential for years and staff believes that it still remains as a viable boundary between commercial and residential uses. Though the site is located adjacent to a commercial use, the desired C-3 zone is in conflict with the Future Land Use Map. Staff notes that the Future Land Use Map is not 'set on stone' and zoning does not have to match, but unless there is a predominant and unique reason to deviate from it, the City should abide by the FLUM as much as possible.

Staff notes that on October 26, 2009 the City Council considered and denied a C-3 rezoning request for Lots 1& 2. Staff mailed 13 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 denial.

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

There was none.

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

Mr. Josue Rodriguez wanting to rezone the property to a C-3 because he is wanting to open up a daycare and the main focus of the daycare is on autism. He stated he is from Tamaulipas he had moved to Florida for 10 years to specialize in autism. He said there is a shortage of BCBA's in the valley also he works at a therapist at a daycare. He mentioned he finds that daycare's deny entrance to children with ASD. He stated there is an up to 2 years waiting list for daycares. So he wanting to open up a daycare that specializes in autism and that has the typical developing children and ASD children to attend the daycare. He wants the parents to feel comfortable leaving their children with the specialize daycare.

Chairwoman Ms. Diana Izaguirre asked staff if they couldn't do Conditional Use Permit for the home?

Ms. Irasema Dimas stated no if they want a full daycare the property needs to be rezoned they do have to go through the full zoning process on a C.U.P. only allows one person living in the house and 1 more employee.

Chairwoman Ms. Diana Izaguirre asked staff if they can have the business in a C-2 or C-1.

Ms. Irasema Dimas stated yes, a daycare business is allowed in a C-2.

Chairwoman Ms. Diana Izaguirre asked if staff is okay with recommending a C-2?

Ms. Irasema Dimas mentioned as the planning board they can always down zone. If the board isn't wanting to approve a C-3 they can down zone to C-2 however they can't go from a C-2 to a C-3.

Chairwoman Ms. Diana Izaguirre stated she agrees with applicant that there's never enough ASD daycare. She mentioned that specially for autism its hard to get into AB program.

Ms. Irasema Dimas asked if they are going to use the whole house or if somebody is going to live at the house?

Ms. Debanhi Perez stated nobody is going to live there. She mentioned their idea is to have a learning center to have specialize therapist and to also have regular teachers. She said that they also want to have children from 18 months to 6 years.

Mr. Omar Guevara asked if they were going to demolish the home?

Ms. Irasema Dimas stated no they aren't.

Ms. Raquenel Austin asked if its for a parent to take the child for a day or like a therapy setting or a couple of hours or a combination?

Ms. Debanhi Perez stated it's a combination; for example, they currently service another daycare's where she goes in and provide ABA therapy. What they want to do is to be able to do therapy and families can take their child to for those services.

Ms. Connie Garza asked Mr. Josue Rodriguez and Ms. Debanhi Perez if they are going to do the daycare with the 5 lots or do they plan to do something else?

Ms. Debanhi Perez said no its going to be just the daycare. She mentioned the back yard is perfect to have the outdoor activities. Also, that they want to make plans for lot 1 as the parking lot but they rest of the lots will be used for the learning center.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquenel 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. Ms. Raquenel Austin moved to deny the rezoning request of a C-3 and approve a C-2. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:45 p.m.**

**Ended: 5:49 p.m.**

**Item #1.2**

**Conditional Use Permit:**

**Construction of a Pool House**

**1805 E. 28<sup>th</sup> Street**

**Lot 14, Magnolia Park Estates**

**R-1A**

**Zaida M. Vargas**

Ms. Irasema Dimas went over the write-up stating the site is located approximately 963' west of N. Glasscock Road along the north side of E. 28<sup>th</sup> Street. The applicant is requesting a conditional use permit for the construction of a pool house. The proposed pool house will have 1,595 square feet. It will consist of 1 changing room, a sauna, 1 full bathroom, and a covered patio, which will

be attached to the house. Pool houses are allowed in a Large Lot Single Family Zone as long as they apply for a conditional use permit and comply with the following conditions:

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

**REVIEW COMMENTS:** Staff notes that the lot total square footage is 9,520 sq.ft., which is 2,480 sq.ft. short of the required square footage, therefore if approved a variance would be needed. All building setbacks will be complied with. The proposed driveway is more than sufficient to accommodate any incoming vehicle. The pool house must be connected to the same water and electrical meters, i.e. no 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. The applicant did submit a letter of approval for the pool house from Magnolia Park Estates Homeowners Association.

**RECOMMENDATION:** Since no kitchen is included, 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 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 Ms. Diana Izaguirre asked if there was any input in favor or against the request.

Ms. Zaida M. Vargas stated the pool house is for personal use only for her family.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Ms. Raquenel Austin moved to close the public hearing. Mr. J.D Villarreal 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: 5:49 p.m.**

**Ended: 5:53 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**Drive-Thru Service Windows & Sale  
& On-Site Consumption of Alcoholic  
Beverages – Taquero Mucho  
3501 N. Conway Avenue, Ste. 15  
Lot 2, IHOP On Conway Subdivision  
C-3  
Taquero Mucho, LLC**

Ms. Irasema Dimas went over the write-up stating the site is located approximately 1,355' north of Mile 2 Road along the west side of Conway Avenue. The applicant is leasing a 2,245 sq.ft. building for a taqueria which will include an outdoor terrace and drive-thru windows on the east and west side of the building. Access to the drive-thru service windows would be off of Conway Avenue via a 24' driveway. They would place the order on the west side of the building and pick up the order on the east side. The drive-thru window's location allows stacking for approximately 2 vehicles. The applicant would like to offer alcoholic beverages with their meals.

- **Days/Hours of Operation:** Sunday – Thursday from 7am to 1am and Friday & Saturday from 7:00 a.m. to 4 a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 15 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 23 tables with 4 chairs each for a total of 92 seating spaces proposed, which would require 31 parking spaces. (1 parking space for every 3 seats = 30.6). It is noted that the parking spaces are held in common for this commercial. There is a total of 130 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.
- **Sale of Alcohol:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of church, public or private school, private hospital, or residential uses; there is none.

**Review Comments:** Staff recommends that proper signage be placed for the Drive-Thru Service Windows in order to avoid any confusion and that they install a speed bump to be located just before existing vehicles reach the access lane. Staff mailed out 15 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

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

- 1) 2-year re-evaluation after obtaining the business license in order to assess this new business,
- 2) Must comply with TABC requirements.
- 3) Must comply with all City Codes (Building, Fire, Health, etc.),
- 4) Installation of a speed bump at the end of the ordering window,
- 5) Acquisition of a business license prior to occupancy, and
- 6) CUP not be transferable to others
- 7) Wet zone

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

Ms. Connie Garza asked if the drive- thru window has been cleared with the fire department?

Ms. Irasema Dimas stated it was cleared during the site plan approval.

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

**Started: 5:53 p.m.**

**Ended: 5:56 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Sstash, LLC  
308 N. Shary Road, Suite C  
Lot 1, Sundance Crossing  
C-3  
SSTASH, LLC  
c/o Americo Garza Castelan**

Ms. Irasema Dimas went over the write-up stating the subject site is located approximately 214' south of E. 4<sup>th</sup> Street along the east side of Shary Road. The applicant is leasing a 1,005 sq.ft. suite to open a Burger Restaurant and would like to offer the sale of alcoholic beverages with their meals. Sstash purpose is to provide great food, excellent customer service and create an inviting atmosphere for the whole family to enjoy. Access to this location is off of a 25' driveway off of Shary Road along the south side of the property. The last CUP approved for this location was on September 12, 2022 for a period of 2 years for Black Widow Bar & Grill. Since the use is not transferable to others, therefore the need for a new conditional use permit.

- **Hours of Operation:** Tuesday - Sunday from 1:00 p.m. to 9:00 p.m.
- **Staff:** 6 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 24 seating spaces, which require 8 parking spaces. (Parking is calculated based on # of seats or square footage whichever is greater in this case staff used square footage) (1 space for 75 sq.ft. of floor area or 1 space for every 3 seats, whichever is greater). It is noted that the parking area is held in common (67 parking spaces) and are shared with other businesses. Landscaping is meeting code.
- **Sale of Alcohol:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of church, public or private school, private hospital, or residential uses; there is none.

**REVIEW COMMENTS:** Staff mailed out 20 notices to property owners within 200' radius of the site, and as of this writing, staff has not received any comments in favor or against this request.

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

- 1.) 2 years re-evaluation at which time the applicant will have to renew his CUP & TABC License,
- 2.) Must comply with all City Codes (Building, Fire, etc.), and
- 3.) Must acquire a business license prior to occupancy.

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. Steven Alaniz moved to close the public hearing. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

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

**Started: 5:56 p.m.**

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

**Item #1.5**

**Conditional Use Permit  
Renewal:**

**To have a Restaurant in a C-2 zone  
The Magnolia Tea Room  
1022 E. Griffin Parkway, Ste. 107B  
Lot 1, Bryan Road Medical Plaza Subdivision  
C-2  
Elizabeth M. Romero**

Ms. Irasema Dimas went over the write-up stating the subject site is located on the southwest corner of E. Griffin Parkway (F.M. 495) and Bryan Road. The applicant leased a 1,740 sq. ft. suite within this commercial plaza to have The Magnolia Tea Room. The Magnolia Tearoom strives to bring you a high tea experience that warms your heart with their decadents' teas, delicious food and excellent service. The items that will be served include: cake, pastries, small sandwiches, salads, soups, hot/cold teas, coffee and sparkling water. The property is zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2). The last CUP approved for this location was on March 13, 2023 for a period of 1 year.

- **Hours of Operation:** Tuesday - Saturday from 10 am to 6 pm
- **Staff:** 2 employees
- **Parking:** The restaurant will have a total of 40 seats which requires 13 parking spaces (40 seats/3 = 13.3 parking spaces). The site currently has a total of 150 parking spaces held in common. The parking will need to be re-striped.
- **Landscaping:** Landscaping is existing and meeting code.

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

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

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

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. Ms. Connie Garza moved to approve the conditional use permit. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:58 p.m.**

**Ended: 5:59 p.m.**

**Item #1.6**

**Preliminary & Final  
Plat Approval:**

**Re-Plat of Lot 6A and 7A, M.E.D.C. Subdivision  
Being a resubdivision of 3.113 acres, being all of  
Lots 6 and 7, M.E.D.C Subdivision**

**C-3**

**Developer: Shavi Mantani**

**Engineer: Melden & Hunt, Inc.**

Mr. Gabriel Ramirez went over the write-up stating the subject site is located 330' east of the intersection of Victoria Street & S. Shary Road. — **see vicinity map**. The developer is proposing to modify the already existing lots. — see plat for actual dimensions, square footages, and land uses.

### **Utilities**

When Mission Business Park was subdivided, water and sewer services were made accessible to each lot. This replat will not affect any utility lines or the availability to connect to them upon issuance of permits.

### **STREETS & STORM DRAINAGE**

This is a simple re-plat; all roads and drainage infrastructure for M.E.D.C. Subdivision is complete to include drainage and paving improvements. The modification of the lots shall comply with the pro-rated conditions and requirements of the original drainage report that include detention and discharge. The City Engineer has reviewed and approved the drainage report.

### **OTHER COMMENTS**

Street Lighting already exists

Must Comply with all other format findings

### **RECOMMENDATION**

Staff recommends approval.

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 subdivision. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 6:00 p.m.**

**Item #2.0**

**Single Lot Variance:**

**The North ½ of Lot 42 of the Toellner Subdivision,  
being a resubdivision of 8.40 acres out of Lot 182  
and 27.52 acres of Lot 192, John H. Shary Subd.**

**R-1**

**Anna D. Mendez**

Mr. Gabriel Ramirez went over the write-up stating the subject site is located approximately 183' west of Toledo St. on the south side of E. 2<sup>nd</sup> Street. - see vicinity map. The property measures half an acre in which the owner is proposing to build a residential home. Currently, the property is vacant.

**WATER:** There is an existing 6" water line along the north ROW of E. 2 ½ Street. Water service is readily available. There is also an existing fire hydrant at this same vicinity therefore this requirement is fulfilled.

**SEWER:** The property also has access to an existing 8" sanitary sewer line located along the within the center ROW of E. 2<sup>nd</sup> ½ Street. Since this property had sewer service prior, the capital fee will not be imposed.

**STREETS:** The property has frontage to E. 2nd ½ Street. There is no additional ROW needed. A streetlight can be found on front of this site therefore no need for additional street lights at this location.

#### **OTHER COMMENTS**

- Park Fee is required at \$500 (per lot).
- Capital Sewer Recovery Fee at \$200

#### **RECOMMENDATION**

Staff recommends approval subject to:

1. Payment of Park Fees
2. Payment of Capital Sewer Recovery Fees

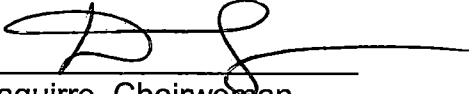
Chairwoman Ms. Diana Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to approve the single lot variance. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM#3.0****ADJOURMENT**

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to adjourn the meeting. Mr. Omar Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:00 p.m.

A handwritten signature in black ink, appearing to be 'D Izaguirre', written over a horizontal line.

Diana Izaguirre, Chairwoman  
Planning and Zoning Commission