

PLANNING AND ZONING COMMISSION
JULY 14, 2021
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Ruben Arcaute
Diana Izaguirre
Raquenel Austin
Jasen Hardison
Hector Moreno

P&Z ABSENT

Javier Barrera
Debra Alvarez
Belinda Deforest

STAFF PRESENT

Susana De Luna
Alex Hernandez
Cynthia Gonzalez
Jessica Munoz

GUESTS PRESENT

David Hastings
Merrielleh Bonen
William Dennis
Rosalie Dennis
Annette Schulz
Latnessa Phillips
Lee Fenicle
Kenneth Schmidz
Julia Peck
Georgina Villarreal
Rogelio Villarreal
Felipe Cavazos
Tony Aguirre Jr.
Eloy Benavides
Cristina Salazar
Esperanza Serna
Cynthia Benavides
Eddy Betancourt
Alan Correa
Alejandra Pena
Steven Chong
Omar Kuri
Jose Alaniz

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR JUNE 23, 2021

Chairwomen Izaguirre asked if there were any corrections to the minutes for June 23, 2021. Mr. Ruben Arcaute moved to approve the minutes as presented. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:35 p.m.

Item #1.1

Rezoning:

**Lot 6, Block 75, Mission Original Townsite
R-1 to C-2**

City Initiated

Ms. De Luna went over the write-up stating that site was located near the northeast corner of W. 4th Street and Cummings Avenue along the north side of 4th Street.

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

EXISTING LAND USES: N: Single Family Residential
E: Single Family Residential
W: Canal
S: Reservoir
Site: Commercial Building (Laundromat)

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: In the latter part of 2006 the city initiated a series of mass rezoning's for different areas within the Mission Original Townsite and they were rezoned from Light Industrial, General Commercial, Neighborhood Commercial, Duplex-Fourplex Residential to Single Family Residential. The purpose of these requests was to address to intensifying concerns from Mission citizens regarding their surrounding land uses (multiple apartments being built within the downtown area). Staff acknowledges that there an existing building on this property that has being used as commercial since 1974, according to the appraisal district records. Since the building that has not been in use for more than 6 months, it has lost its 'grandfathered' status. C-2 uses should not be detrimental to the adjoining residential area that has become accustomed to a non-residential use. Finally, the ultimate and best use for this structure is commercial and not residential.

P&Z approved two similar requests in Mission Original Townsite for Lot 6, Block 79, on December 12, 2007 and Lots 5 & 6, Block 112, on March 14, 2007 for basically the same reason, i.e., previous business use.

RECOMMENDATION: Staff recommends approval.

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

There was none.

Chairwoman Izaguirre asked if the board had any questions

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the rezoning request as per staff's recommendation. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m.

Ended: 5:47 p.m.

Item #1.2

**Rezoning: Lots 1 & 2, Valle Hermoso Estates
C-2 to C-3
Georgina Villarreal**

Ms. De Luna went over the write-up stating that site was located on the southeast corner of Bentsen Palm Drive and Mile 1 South.

SURROUNDING ZONES: No zoning to the west (County) and AO-I (Agricultural Open Interim) in all other directions.

EXISTING LAND USES: N: Open Acreage
E: Single Family Homes
W: Single Family Homes
S: Open Acreage
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Though the subject property shows a FLUM designation of LD, a commercial rezoning seems reasonable due to the lot's adjacency to two collector streets and C-2 zones lend themselves to be within or near residential areas in order to serve the surrounding neighborhoods. However, staff recalls that on January 20, 2018 P&Z considered a CUP for a Drive-Thru Store for this property. During the public hearings process there was a substantial amount of opposition voiced. Their main concerns included that this property was not suited for commercial, it will create additional traffic, thievery in the area and security concerns. At that time, the request was denied. Notices were sent out to the surrounding property owners within a 200' radius, and Staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial.

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

Mrs. Julia Peck who resides at 307 S. Bentsen Palm Dr. stated that she was in opposition to the rezoning request. Mrs. Peck stated that she owns the park on the opposite corner of the property being rezoned. When this property was previously rezoned to C-2 we were not notified, and we thank you for letting us know this time. This property is in the middle of residential homes and not suitable for commercial. What we need is for the current zone be removed. I'm here on behave of the residents of the park and the surrounding neighbors. This area is all residential and shall remain residential. The original owner of the property came to my home and agreed on a price so I can purchase these properties just to leave them empty. We exchanged attorney information and that was the last I heard from him. In 2010 I contacted the City of Mission and mentioned that I wanted to be a part of mission and pay taxes to them so they can protect us. This area is a farm area and we want it to stay as is, the valley has a lot of areas for businesses and this is not one. We are concerned that the fumes from the businesses will affect us.

Mr. Kenneth Smith who resides at 307 S. Bentsen Palm Dr. stated that he was in opposition to the rezoning request. Mr. Smith stated that he has lived at the park since 2008. When I moved

to Texas my wife and I, we visited over 100 parks and found this one that was the nicest and in a residential area. There are only two businesses in this area, one is a propane company which is essential to all the RV parks and a Dollar Store to get your everyday needs. I don't think that there's a need for more businesses.

Ms. De Luna stated that the applicant was present and when she spoke to her over the phone she stated that she would like to build a commercial plaza on the first lot and a mechanic shop on the second lot.

Chairwoman Izaguirre asked if the board had any questions.

Mr. Hector Moreno asked if she needed a C-3 (General Business) to build the type of business she wanted.

Ms. De Luna stated she can build the commercial offices in a C-2 (Neighborhood Commercial) but to build the mechanic shop she would need a C-3.

Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to deny the rezoning request as per staff recommendation. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:48 p.m.

Item #1.3

Rezoning:

**A 2.90 acre tract out of a 5.39
Acre tract of land out of Lot 173,
John H. Shary Subdivision
AO-I to C-3
Kyle R. Burns
Burns Income Properties (LTD)**

Ms. De Luna went over the write-up stating that site was located 200' North of East Inner State Highway 2 along the west side of Hoerner Street.

SURROUNDING ZONES:

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

EXISTING LAND USES:

N:	Vacant
E:	Vacant
W:	Vacant
S:	Commercial
Site:	Parking area/ Portable Bldg.

FLUM:

Heavy Commercial (HC)

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

RECOMMENDATION: Staff is recommending approval.

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

There was no response.

Chairwoman Izaguirre asked if the board had any questions

There was no response.

Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the rezoning request as per staff recommendation. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m.

Ended: 5:51 p.m.

Item #1.4

Conditional Use Permit:

2 Drive-Thru Service Doors

- The Health Nut

301 E. Expressway 83

Lot 4, El Pueblo No. 1

C-3

Joaquin Pena

Ms. De Luna went over the write-up stating that site was located approximately 840' off of Conway Avenue along the northside of the Frontage Road. The applicant is leasing a 360 sq. ft. building for a health nut business with a Drive-Thru Service Door. The drive-thru service doors are along the east and west side of the building allowing for stacking for approximately 8 vehicles. The applicant proposes for the customers to place their order on the east side of the building and wrap around to the west side for pickup. The existing parking spaces would be relocated if the conditional use permit is approved.

- **Days/Hours of Operation:** Monday through Friday 7a. to 9pm, Saturday 10am to 6pm and Sunday 11am to 5pm.
- **Staff:** 4 employees total, 2 per shift or 3 depending on the days.
- **Parking & Landscaping:** It is noted that the parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping will comply to code.

RECOMMENDATION: Staff recommends approval subject to:

1. 1 year re-evaluation to assess this new operation.
2. Compliance with the Building, Landscaping, Fire, Sign, and Health Codes, and
3. Acquisition of a Business License.

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

The applicant's wife Mrs. Alejandra Pena was available to answer any questions the board might have.

Chairwoman Izaguirre asked if the board had any questions.

There was no response.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the request as per staff recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:53 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Window – Dak's Snacks
810 N. Schuerbach Road, Ste. "D"
Lot 1, Sylvia Plaza Subdivision
C-2
Cristina Salazar**

Ms. De Luna went over the write-up stating that the site was located at the SE corner of Schuerbach Road and Business 83. There is an existing 24'x 35' (840 sq. ft) snack shop with a drive-thru service window. Access to the site is provided off of Schuerbach Road with a 45' driveway. There have been several different CUP approvals for the use of the drive-thru window in the past under different operators. The most recent approval came in May 23, 2018. Since this is a new applicant, she would like to get her own CUP. The service window is located approximately 15' from the corner of the building which provides stacking for approximately two vehicles.

- **Days / Hours of Operation:** Monday—Sunday from 11 a.m. to 11 p.m.
- **Staff:** 4 employees
- **Parking:** The 840 sq. ft. site requires 5 spaces. It is noted that the parking area is held in common (35 existing parking spaces, inclusive of gas pump stalls) and is shared with other businesses. Staff has calculated the entire site (the two buildings) to require 21 total parking spaces, thus exceeding code by 14 parking spaces.

REVIEW COMMENTS: Staff has not received any complaints in regards to the drive-thru service window for this location in the past CUP approvals.

RECOMMENDATION: Staff recommends approval for a period of 1 year.

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

There was no response.

Chairwoman Izaguirre asked if the board had any questions.

There was no response.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Raquene Austin moved to approve the request as per staff recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:57 p.m.

Item #1.6

Conditional Use Permit:

**Restaurant & Sale & On-Site Consumption
Of Alcoholic Beverages in a property zoned
(C-2) Neighborhood Commercial –
El Puerto Del Tio Jerry Seafood Restaurant
4009 N. Inspiration Road
Lot 9, Block 5, Taurus Estates Subdivision No. 9, Ph I
C-2
Gerardo Chapa, Jr.**

Ms. De Luna went over the write-up stating that the site was located on the NW corner of Inspiration Road and Azalea Street. The applicant has designated an 802 sq. ft. area within the building for his family-oriented Seafood Restaurant. He is proposing to have 7 tables with 4 chair each for a total of 28 seating spaces. Customers can access the restaurant through the Supermarket or a separate entrance through the back of the building. The site has a 30' access point off of Inspiration Road and a 24' access to an alley off of Azalea.

- Days /hours of operation: Monday – Saturday from 11:00 a.m. to 9:00 p.m. and Sunday from 11:00 a.m. to 7:30 p.m.
- Staff: 8 employees in different shifts
- Parking: The number of parking spaces required for a building of this size is 12. The applicant is providing 24 spaces, leaving 12 surplus spaces.

RECOMMENDATION: Staff recommends approval subject to: 1) 2 year re-evaluation to assess this new operation, at which time he would need to renew his TABC and CUP permit, 2) Must comply with all Fire, Health, Building, and Sign Code requirements, and 3) Acquire a business license.

Mr. Ruben Arcaute took over the meeting.

Mr. Ruben Arcaute asked if there was any input in favor or against the request.

There was no response.

Mr. Ruben Arcaute asked if the board had any questions.

There was no response.

There being no discussion, Mr. Ruben Arcaute entertained a motion. Mr. Hector Moreno moved to approve the request as per staff recommendation. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 5:57 p.m.

Item #1.7

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Serenity Event Center
1702 E. Griffin Parkway, Suite 6
Being the E. 51' of Lot 8B, Stewart Village, Ph 1**

C-3
Melissa B. Canales

No action was taken.

Started: 5:57 p.m.

Ended: 6:01 p.m.

Item #1.8

Conditional Use Permit:

**To Place a Mobile Food Truck – Tacos, Hamburgesas,
Y Cerveza by Ricardo's Restaurant**

2224 E. Business Hwy 83

Being a tract of land containing 1.08 acres of land,

Being part or portion of Lot 204, John H. Shary

Subdivision

C-4

Esperanza Serna

Ms. De Luna went over the write-up stating that the site was located on the SW corner of Glenwood Avenue and East Business Hwy 83. The primary business is Ricardo's Restaurant. The applicant wishes to place a mobile food trailer on the southwest corner of the property to sale tacos, hamburgers, and beer. Access to the site is from 2 – 24' driveways off of Business Highway 83.

- **Hours of operation:** Monday - Saturday from 4pm to 11pm.
- **Staff:** 3 employees.
- **Parking & Landscaping:** -The property has a total of 30 parking spaces, thus compliant to code. There will be needing to comply with the landscaping requirements.
- Must comply with all City codes including Health and Fire Department and TABC requirements.
- A new business license is required prior to occupancy

REVIEW COMMENTS: Staff notes that Mr. Cavazos, the property owner is proposing a food truck park for the near future, but will like to see how it will do first with this truck. Ms. Serna would like to offer the sale of beer if this conditional use permit is approved. If approved she will start the process for that permit.

RECOMMENDATION: Approval subject to: 1) compliance with all city codes including health, fire department and TABC requirements, 2) comply with landscaping regulations and 3) obtaining a business license.

Mr. Ruben Arcaute asked if there was any input in favor or against the request.

Mr. Omar Kuri asked how the smoke from the food truck was going to be controlled.

Ms. De Luna replied that they would have to follow health department requirements before they open any business.

Mr. Ruben Arcaute asked if the board had any questions.

There was none.

There being no further discussion, Mr. Ruben Arcaute entertained a motion. Mr. Jasen Hardison moved to approve the request. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:01 p.m.

Ended: 6:07 p.m.

Item #1.9

Conditional Use Permit:

**Guest/Pool House on Property Zoned
Large Lot Single Family Residential
1204 Frio Drive
Lot 70, Los Jardinez De Cimarron Subdivision
R-1A
Eddy BetanCourt**

Ms. De Luna went over the write-up stating that the site was located on SW corner of Frio Street and Pecos Street. The owner is requesting a conditional use permit for the construction of a guest/pool house. The proposed guest/pool house and gazebo will have 1600' square feet. It will primarily consist of (2 bedroom), (2.5) bathroom, and gazebo with outdoor kitchen. 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
- Built a 4ft sidewalk along Frio Street
- Both lots need to be fence in as 1 lot

REVIEW COMMENTS:

The lot is a little under ½ an acre and all building setbacks will be met. The pool home must be connected to the same water and electrical meters, i.e. no separate utilities.

RECOMMENDATION: Since no kitchen is included, staff recommends approval subject to: 1) no separate utility and electrical connections, 2) transferability to other future owners imposing the same conditions imposed to this applicant, and 3) not to be used for rental purposes.

Mr. Ruben Arcaute asked if there was any input in favor or against the request.

The applicant Mr. Eddy Betancourt stated is there any way I can get separate utilities for my pool house?

Ms. De Luna stated that one of the requirements for a pool house is that they use the same utilities from their existing home.

Ruben Arcaute asked if the board had any questions.

There was none response.

There being no further discussion, Mr. Ruben Arcaute entertained a motion. Mr. Jasen Hardison moved to approve the request as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre took over the meeting.

Started: 6:07 p.m.

Ended: 6:09 p.m.

Item #2.0

Homestead Exemption

Variance:

**Being a 1.0 acre tract of land out of the
east 126.41' out of Lot 97, Sharyland Orchards
Subdivision
R-1A
Cynthia & Eloy Benavides**

Ms. De Luna went over the write-up stating that the site was located 445' West of Shary Road, along the North side of Scout Lane. The lot measures 126.41' x 330' or 41,712.00 sq. ft. The lot exceeds the square footage size requirements for an R-1A lot. The applicant desires to construct her single-family residence thereon. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single-family home.

WATER – The applicant is proposing to connect to an existing 6" water line located along Scout Lane to provide water service to the lot.

SEWER – The applicant is proposing to connect to existing 8" sanitary sewer line located along Scout Lane to provide sewer service to the lot. The capital sewer recovery fee is waived via the HEV.

STREETS & STORM DRAINAGE – The subject site has frontage to Scout Lane, which is an older City Road which only has 30' of R.O.W. Since this area is NOT developed, additional 10' of R.O.W. will be required at this time. Drainage will be onsite.

OTHER COMMENTS

- Must comply with Model Subdivision Rules.
- Must dedicate water rights.
- The street light requirement is also waived via the HEV.
- The park fees are also waived.

RECOMMENDATION: Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairwoman Izaguirre asked if the board had any questions.

There was no response.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request as per staff's recommendation. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:09 p.m.

Ended: 6:11 p.m.

Item #3.0

Single Lot Variance:

**Being a tract of land containing 1.08 acres of land,
being part or portion of Lot 204, John H. Shary Subdivision
2224 E. Business Highway 83
C-4
Felipe Cavazos**

Ms. De Luna went over the write-up stating that the site was located on the SW corner of Glenwood Ave. and East Business Hwy 83. Single Lot Variance is required prior to permit issuance for the 2 outdoor dining areas.

PROPOSAL: To build 2 outdoor dining areas, (1) being 10'x20' and (1) 10'x40'.

SETBACKS: The minimum required setbacks based on the zoning are: Front: ¼' width of Right of Way, Rear: 5', Side: 0' Fire Rated or ½ Ht. of building, Corner side setback: 10'. All setbacks are being met.

PARKING: The property has a total of 30 parking spaces, thus compliant to code.

LANDSCAPING: Must comply with landscaping code.

OTHER COMMENTS:

- Payment of Capital Sewer Recovery Fee (\$250)

RECOMMENDATION: Staff recommends approval subject to: 1) Compliance with all building and fire codes, and 2) Payment of capital sewer recovery fees

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the request as per staff's recommendation. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:11 p.m.

Ended: 6:13 p.m.

Item #4.0

**Preliminary & Final
Re-Plat Approval:**

**Lot 130A and Lot 130B, Replat of Lot 130, 131, & 132
Mountain View Subdivision Phase I
Being a 0.68 acre tract of land,
More or less, consisting of all of Lots 130, 131, 132,
Mountain View Subdivision Phase I
R-1 (Single Family Residential)
Developer: Cesar & Michelle Elizondo, Narciso Salinas
Engineer: Salinas engineering & Associates**

Ms. De Luna went over the write-up stating that the proposed subdivision was located on the NW area of Ramirez St. and Amethyst Ave.-see vicinity map. State Code requires re-plats to have a public hearing.

The subdivision consists of an existing 3 residential lots that will be divided into two lots. When the Mountain View Phase I was first submitted for review it showed a total of 139 Residential lots and 8 Commercial Lots. Now, the owner wishes to re-subdivide the lots into Lots 130A and 130B.

UTILITIES

When Mountain View Phase I was first built, all water and sewer services were installed for all 139 lots, thus there is no utility work to be done for the re-plat.

STREETS & STORM DRAINAGE

This re-plat abuts Amethyst Ave., a 50' ROW, 32' B/B public street. The road is fully built and does not require additional ROW. Drainage is accomplished through an existing system that consists of a series of 24" and 36" R.C.P. lines from the original construction of the entire subdivision -see HCDD#1 approved drainage report.

OTHER COMMENTS

Park Fees of \$500 are required for the additional lot.

Mountain View Phase I is already excluded from the water district.

Must comply with all other format findings.

Street lighting already exists.

RECOMMENDATION

Staff recommends approval subject to compliance with all typical format findings.

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 approve the request. Mrs. Deforest seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #5.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to adjourn the meeting. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:13 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission