

PLANNING AND ZONING COMMISSION
AUGUST 21, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Diana Izaguirre
Kevin Sanchez
Omar Guevara
Steven Alaniz
Connie Garza

P&Z ABSENT

Raquenel Austin
Jasen Hardison
J.D Villarreal

STAFF PRESENT

Susie De Luna
Alex Hernandez
Jessica Munoz
Gabriel Ramirez
Elisa Zurita
Irasema Dimas

GUEST PRESENT

Sharon Ellison
Lourdes Lerma
Ramon Sotelo
Ben Olivarez
Sam Olivarez
Valeria Garcia
Victor Meza
Alberto Trevino

CALL TO ORDER

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

DISCLOSURE OF CONFLICT OF INTEREST

There was none.

CITIZENS PARTICIPATION

There was none.

APPROVAL OF MINUTES FOR AUGUST 7, 2024

Chairwoman Ms. Izaguirre asked if there were any corrections to the minutes for August 7, 2024. Mr. Sanchez moved to approve the minutes. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Garza arrived the meeting at 5:31 P.M.

Started: 5:31 p.m.

Ended: 5:34 p.m.

Item #1.1

Rezoning:

**A 4.50 acre tract of land, more or less,
carved out of the South ½ of the East
10 acres of the North 20 acres of Lot 29-4,
West Addition to Sharyland
C-1 to R-2
Redline Development, LLC**

Mr. Hernandez went over the write-up stating the subject site is located 640' North of W. Mile 2 Road on the West side of N. Trosper Road. – see vicinity map.

SURROUNDING ZONES:

N:	AO-I	- Agricultural Open Interim
E:	AO-I/R-2	- Agricultural Open Interim & Duplex/Fourplex Residential
W:	AO-I	- Agricultrual Open Interim

S: R-1 - Single Family Residential

EXISTING LAND USES:

N: Single Family Home
E: Single Family Home/Acreage
W: Single Family Home
S: Residential Subdivision
Site: Vacant

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 fairly new surrounding land uses. Staff notes that the Future Land Use Map can be amended to reflect the proposed zone. The City Council has approved other rezoning's for Duplex-Fourplex adjacent of this site and off of N. Trospers Road. An R-2 zone is actually a stair step down from its current commercial zone. Staff mailed 30 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

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

Mr. Milo Salinas with M2Engineering located at 1810 E. Griffin Parkway is with the developer Mr. Victor Meza with Redline Development. They are proposing a duplex-fourplex since across the street the property is zoned as a duplex- fourplex and there is already one built. As of now they are proposing a 12 lots subdivision.

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

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

There was none.

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

Started: 5:34 p.m.

Ended: 5:41 p.m.

Item #1.2

Rezoning:

**All of Lot 7, Block 91,
Mission Original Townsite
R-1 to C-3
BDSO,LLC**

Mr. Hernandez went over the write-up stating the site is located approximately at the Northwest corner of Doherty Avenue and E. Rafael Ramirez St.. – see vicinity map.

SURROUNDING ZONES:

N:	R-1	- Single Family Residential
E:	R-1	- Single Family Residential
W:	C-3	- General Business
S:	R-1	- Single Family Residential

EXISTING LAND USES:

N:	Single Family Home
E:	Single Family Home
W:	Commercial Building
S:	Single Family Home
Site:	Commercial Building

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 Mission Original Townsite. They were rezoned Light Industrial, General Commercial, Neighborhood Commercial, Duplex-Fourplex Residential and were changed to Single Family Residential. The purpose of these requests was to address intensifying concerns from Mission citizens regarding their surrounding land uses (multiple apartments being built within the downtown area). Staff notes that there is an existing building on this property that has been used as a warehouse for Barrera's Supply Company since the 1950's, according to the appraisal district records. A C-3 use should not be detrimental to the adjoining residential area since they have become accustomed to a non-residential use. Finally, the ultimate and best use for this structure is commercial and not residential.

P&Z has approved three similar requests in Mission Original Townsite for Lot 6, Block 79, on December 12, 2007, Lots 5 & 6, Block 112, on March 14, 2007, and Lot 6, Block 75 on July 26, 2021 for basically the same reason, i.e., previous business use. Staff mailed 27 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

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

Mr. Ben Olivarez and his brother Mr. Sam Olivarez owns Barrera's Supply Co. located at 500 N. Conway Avenue. He stated they had started the business back in 1918. He mentioned across the alley is lot 7 which he also owns they have been using it since the early 50's. He stated it has been used as commercial throughout the years they were trying to start the process of selling the building but found out the building isn't zoned commercial its actual zoned is a Single Family Residential. He is proposing for the property to be rezoned into General Business.

Ms. Enedelia Zerrato resides at 612 Oblate avenue, she asked if this pertains to her property? are they trying to change her property into General Business.

Ms. De Luna, Planning Director, explained to Ms. Zerrato the only property asking to be rezoned into commercial is lot 7. The property owner is trying to change the zone from residential to commercial which the only lot would be affected would be Lot 7.

Ms. Zerrato asked would the her property be effected?

Ms. De Luna stated no it would only affect lot 7 which Mr. Ben Olivarez owns. She explains she received a notice in the mail since staff is required to send out notices to property owners that are within the 200' radius. When they are rezoning a property but her property will not be rezoned.

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

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

There was none.

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

Started: 5:41 p.m.

Ended: 5:42 p.m.

Item #1.3

Rezoning:

1.17 acres of land out of the South 6.89 acres out of the South 13.78 acres of that part of Lot 23-3, lying South and West of the Mission Main Canal, West Addition to Sharyland

AO-I to R-1

Claudia Veronica Cardenas Mora

Mr. Hernandez went over the write-up stating the site is located approximately 336' North of Fincher Street on the East side of N. Los Ebanos Road. – see vicinity map.

SURROUNDING ZONES:

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

EXISTING LAND USES:

N:	Single Family Home
E:	Single Family Home
W:	Single Family Home
S:	Single Family Home
Site:	Single Family Home

FLUM:

Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map and surrounding land uses. Staff mailed 27 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

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

There was none.

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

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

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

Started: 5:42 p.m.

Ended: 5:44 p.m.

Item #1.4

Conditional Use Permit:

**Mobile Food Truck- El Muñeco
2509 Colorado Street, Ste. 205
Lot 1, Block 2, Santa Lucia Development
C-3
Juan Chapa**

Mr. Hernandez went over the write-up stating the subject site is located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street – **see vicinity map**. The applicant is leasing a space on the Mobile Food Park and would like to place his mobile food truck to offer tacos and tostadas. Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Tuesday – Sunday from 5:00 pm to 11:00 pm
- **Employees:** 3 employees
- **Parking & Landscaping:** The Mobile Food Park measures 134' x 72' for a total of 9,648 sq. ft. Based on the square footage they are required 23 parking spaces. The landlord has a total of 67 parking spaces available for this area and has submitted a written agreement to use the parking spaces from the commercial plaza if needed.
- **Other Requirements:** Must comply with all Building, Fire and Health Codes.

REVIEW COMMENTS: Staff mailed out 16 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) 1 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Building, Fire, Health, etc.) and
- 3) Must acquire a business license prior to occupancy.

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

There was none.

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

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

There was none.

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

Chairwoman Ms. Izaguirre entertained a motion to un table item #1.5. Mr. Sanchez move to un table the item. Ms. Garza seconded the motion. Upon a vote, the motion passed.

Started: 5:44 p.m.

Ended: 5:56 p.m.

Item #1.5

Tabled

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Moon Restaurant Mixology
1603 E. Griffin Parkway
Lot 11, Block 3, Shary Gardens Subdivision
C-3
American Restaurants, LLC
c/o Lourdes Lerma**

Mr. Hernandez went over the write-up stating the subject site is located near the NW corner of Garden View Drive and Griffin Parkway (F.M. 495). The applicant is proposing to open a restaurant with a bar component. Access to the site would be via a 40' driveway off of E. Griffin Parkway or a 25' driveway off of Garden View Drive.

- **Hours of Operation:** Sunday – Thursday from 10am - 11pm, Friday & Saturday from 10am to 1am
- **Staff:** 18 employees in different shifts
- **Parking:** The subject site has a total of 170 total seating spaces, which require 57 parking spaces (170 seats/3 seats = 56.6 parking spaces). It is noted that this location has 116 parking spaces plus 3 stacking spaces at a drive-thru service window for a total of 119 parking spaces, which exceeds code by 1.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius; thus a waiver of the separation requirement needs consideration.

REVIEW COMMENTS: Since a restaurant is allowed in a C-3 zone and the sale of alcohol is not the primary item of purchase, staff does not object to this proposal. Staff mailed out 24 notices to the property owners within a 200' radius of the site and staff did receive 1 call in opposition to this request. The concerns voiced were in regards to the type of business, hours of operations being

past 11 pm, the noise the business would create if they had DJ or live bands, and trash not being contained.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1-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) No objection to a waiver of 300' separation requirement from residential,
- 5) Acquisition of a business license prior to occupancy, and
- 6) CUP not be transferable to others
- 7) No live music

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

Ms. Sharron Ellison resides at 1603 E 23rd ½ Street, she mentioned there has been no accommodations made for the business. She stated she has a problem with the hours of operations for weekdays and weekends. She mentioned if they are open until 1am it is considered as a bar not a restaurant. She mentioned she wanted no live music since the building has very poor acoustics and can be heard from her property. She stated the trash in the rear hasn't been cleared and the garbage can haven't been relocated so there is a blind spot causing traffic and accidents. She believes this item should be tabled and not receive business license to conduct the business.

Mr. Roman is the co-owner of the business located at 1603 E. Griffin Parkway; he believes Ms. Ellison wants to shut down his business before it has been opened and operate. Making it seem like their business is going to be a bar instead of a restaurant for families to spend time with each other. He stated the trash in the rear is the other businesses in the plaza which he keeps his area clean from trash. He mentioned Ms. Ellison stated she doesn't understand the concept of the restaurant which he has invited her to come and see the business being remodeled to see what they are trying a new experience of restaurant in the City of Mission. He invited her when they open for business to come eat at the restaurant.

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

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

There was none.

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

Started: 5:56 p.m.

Ended: 5:57 p.m.

Item #2.0

Homestead Exemption

Variance:

**.28 acres more or less, out of
Lot 192; John H. Shary Subdivision
310 Union Street**

R-1
Valeria Garcia

Mr. Ramirez went over the write-up stating the site is located approximately 360' North of E. 2 ½ Street along the east side of Union Street. The property measures 75' x 165' for a total of 12,375 sq.ft. On 11-10-14, the City Council passed the H.E.V. 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: There is an existing 2" water line along Union Street. Water service is readily available. There is also an existing fire hydrant at this same intersection therefore this requirement is fulfilled.

SEWER: The property has access to an existing 8" sanitary sewer line located along Union Street. Since this property had sewer service prior, the capital fee will not be needed.

STREETS: The property has frontage to Union Street. A streetlight can be found in front of this site. There is no need for additional street lights at this location.

OTHER COMMENTS

- Park Fee is required at \$500 (per lot).
- Provide proof of exclusion from the Water District
- Comply with the 50yr storm detention requirements
- Must comply with Model Subdivision Rules
- Must dedicate water rights

RECOMMENDATION: Staff recommends approval subject to

- 1) Provide proof of water district exclusion
- 2) Dedication of water rights
- 3) Payment of Park fee, and
- 4) Comply with the 50year storm detention code

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

There was none.

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

Started: 5:57 p.m.

Ended: 5:59 p.m.

Item #2.1

Consider a variance request to allow an installation of a septic tank at 3101 S. Conway Avenue, out of Lot 10-7, West Addition to Sharyland Subdivision, as requested by Windfield Communities

Mr. Ramirez went over the write-up stating a variance request from the Code of Ordinances / Chapter 98 - SUBDIVISIONS / ARTICLE I. - IN GENERAL / Sec. 98-6. – General provisions. (a) No permit shall be issued within the city for the installation of septic tanks upon any lot in a

subdivision. All residents in any subdivision shall be connected to public utility services provided by the city.

On August 9, 2024 staff received a letter from Pablo Martinez, Vice President of Winfield Communities requesting the installation of a septic system at 3101 S. Conway Avenue. The site was previously serviced by an existing OSSF system that is outdated and out of service. Currently, the Milagro Subdivision is under construction and will be available to extend utilities to this location. The structure will serve as a sales and construction office for personnel use as the project develops up until the said lot will need to be cleared for new vertical construction. The building is classified as a temporary sales office for the sale of lots which is considered as a permitted use per Article VIII – Use Districts and Conditional Uses.

The request may have merit since the adjacent subdivision is underway and not connected to the city's infrastructure. The closest connection point to a city sewer line would be 1,300 in. ft. from the property. It has been determined that due to this unusual circumstance and the lack of options available, denying this request would deprive the applicant of the formal use of the existing home. In addition, there is no evidence that the general public's health, safety, convenience and/or welfare would be negatively affected in any way. The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area either. This request is restricted and will be monitored thru permitting and payment of fees as noted within the adopted schedule of fees for non-residential per building lined item labeled septic tanks. The applicant has submitted a certified design of the proposed system, an approval to construct OSSF, and a receipt issue by the County. This job will be subject to City's requirements and inspections.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

Chairwoman Ms. Izaguirre asked there is a manhole right across the street where did staff get the 1,300 in. ft.?

Mr. Ramirez replied the property belongs to the Killiams Development and stated the manhole might not be in service at the moment where the variance request comes into play to connect the service for the septic tank.

There being no further discussion, Chairwoman Ms. Izaguirre entertained a motion. Mr. Sanchez moved to approve the variance. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:00 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

**Retama Phase VI Subdivision (Private)
9.173 acres being out of Lot 14,
Del Monte Irrigation Co. Subdivision
PUD (R-1)
Developer: Rhodes Development, Inc.
Engineer: Melden & Hunt, Inc.**

Mr. Ramirez went over the write-up stating this site is part of a master plan located on the SE corner of Bentsen Palm Dr. and Military Parkway East. — **see vicinity map**. This tract was vacant with a proposed land use for 20 residential lots, 22 cottage lots, and 3 common areas— see plat for actual dimensions, square footages, and land uses.

VARIANCE 1

Request variance from Sec. 98-134 'Streets' of the Code of Ordinances Ch. 98 - Subdivisions to allow the design and proposed construction of a 30' ROW whereas the code requires streets within a subdivision to be at least 50'.

VARIANCE 2

Request variance from Sec. 98-134 'Streets' of the Code of Ordinances Ch. 98 - Subdivisions to allow a pavement width of 30' whereas the minimum pavement width of minor residential streets shall have 32' back-to-back

WATER

The developer is proposing to connect to an existing 8" water line located along the south R.O.W. of Hummingbird Lane and extend an 8" water line through the site providing water service to each lot. It will be looped to the south onto the existing 8" line which was stubbed by the Phase V development and to the existing 12" main line along the south ROW of Military Pkwy East. This system will be stubbed at Hummingbird Ln. and Mallard Dr. ends for future extensions. There are 3 proposed fire hydrants via direction of the Fire Marshal's office. — **see utility plan**

SEWER

The developer is proposing to connect to an existing sewer cleanout on the north side ROW of Hummingbird Ln., which was left for this purpose, and extend an 8" PVC line to collect from all lots abutting to this street which will end with a standard MH. Lots 346-372 will be serviced by an 8" sewer line located on the west side of the street to be connected to an existing 12" sewer main along the north side of Ballard Dr. which will collect from the remaining lots. All lots will be stubbed front-and-center with a 4" PVC line. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$7,400.00 (\$200 x 37 Lots).

STREETS & STORM DRAINAGE

The subdivision will have 2 existing streets extended from phase V (Hummingbird Ln. and Ballard Dr.) to have dead-ends for future expansions with a main access to Military Pkwy East from Hummingbird Ln. between Lots 340 & 341. This access will have an 80' ROW with median islands. The design will also include an internal street with a proposed paved 30' ROW.

This property is located in a Zone "B" on FEMA's Flood Insurance Rate Map. This development is included in Drainage Basin 45 of the Bentsen Palms Master Drainage Study therefore in accordance with the approved Master Drainage Plan. The plan will route storm water into a detention pond from Mission Main Canal which will outfall into the Mission Pilot Channel of the H.C.D.D. No. 1 System. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

1. No Park Fees – Mike Rhodes dedication of park land satisfies the park Dedication Ord.
2. Installation of Street Lighting as per City Standards
3. Compliance with the Private Street policies
4. Comply with all other format findings

RECOMMENDATION

This project was previously approved by P&Z on December 2023 and then by City Council on January 2024 which included both variance requests. The developer is now proposing to add 5 residential lots to the original submitted plat. Staff has no objection therefore recommends approval subject to payment of Capital Sewer Recovery fee and comply with items 1-4 shown above.

Chairwoman Ms. Izaguirre asked the board if they had any questions for staff.

There was none.

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

ITEM#4.0

ADJOURNMENT

There being no discussion, Chairwoman Ms. Izaguirre entertained a motion. Mr. Sanchez moved to adjourn the meeting. Mr. 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 'Diana Izaguirre', written over a horizontal line.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission