

PLANNING AND ZONING COMMISSION
SEPTEMBER 4, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Diana Izaguirre
Kevin Sanchez
Steven Alaniz
Connie Garza
Raquenel Austin
J.D Villarreal
Irene Thompson

P&Z ABSENT

Omar Guevara

STAFF PRESENT

Alex Hernandez
Jessica Munoz
Gabriel Ramirez
Elisa Zurita
Irasema Dimas

GUEST PRESENT

Hector Enriquez
Jose Luis Morin
Delfino Gaona
Glenda Gaona

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 21, 2024

Chairwoman Ms. Izaguirre asked if there were any corrections to the minutes for August 21, 2024. Ms. Garza moved to approve the minutes. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:30 p.m.

Ended: 5:40 p.m.

Item #1.1

Rezoning:

**Lots 8-11, Amber Grove Subdivision
R-2 to R-3
Amber Development, LLC**

Mr. Hernandez went over the write-up stating the subject site is located approximately 240' East of Trosper Road along the south side of Palmer Road.

SURROUNDING ZONES:

N:	R-2	– Duplex-Fourplex Residential
E:	R-2	– Duplex-Fourplex Residential
W:	R-2	– Duplex-Fourplex Residential
S:	R-2	– Duplex-Fourplex Residential

EXISTING LAND USES:

N:	Apartments
E:	Vacant
W:	Vacant
S:	Apartments

Site: Vacant

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map. The request is to consider an R-3 Zone (Multi-family residential), in an already established R-2 zone (Duplex-Fourplex) subdivision which will not be consistent to the lots within this subdivision or surrounding land uses. Staff mailed out 21 notices to property owners within 200' radius to get their input in regards to this request. As of this date, staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff is recommending Denial.

Mr. Sanchez arrived to the meeting at 5:31pm

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

Mr. Mario Reyna with Melden & Hunt, mentioned that Amber Grove Subdivision was a 14 Lot subdivision which consisted of duplex-fourplex's & six-plex's. He added that a permit was submitted for a six-plex but was denied, that the zone only allows up to four apartments. Mr. Reyna feels that by approving the multi-family residential zone, it won't compromise the area since the subdivision had always been proposed for apartments. He added that the city's code of ordinances for an R-2 had not been updated since 2014.

Chairwoman Izaguirre asked what is the approximate square footage on lots 4,5,6 & 7.

Mr. Reyna replied 10,000 to build fourplex.

Chairwoman Izaguirre asked what is the sq. footage for lot 11?

Mr. Reyna replied 14,500 sq.ft.

Chairwoman Izaguirre do you have a site plan?

Mr. Reyna replied that he didn't have the site plan with him.

Ms. Thompson asked if the subdivision had a home owner's association.

Mr. Reyna replied yes, however it isn't a gated community.

Ms. Thompson asked if the subdivision had any deed restrictions?

Mr. Reyna replied no, the developer is the builder of the apartments.

Chairwoman Izaguirre asked how old was the City of Mission Code for an R-2 or R-3?

Ms. Dimas replied that it was updated in 2022.

Ms. Garza asked how was the subdivision approved.

Mr. Hernandez replied (R-2) Duplex- Fourplex Residential.

Mr. Sanchez stated that the R-3 zone was for Multi-Family apartments?

Mr. Hernandez replied yes, and the setbacks are different for an R-3 zone.

Ms. Austin asked if lots 12,13 & 14 were vacant.

Mr. Reyna replied lots 1-6, 12,13 & 14 have been built on.

Chairwoman Izaguirre mentioned 12, 13 & 14 were impacted with the detention pond which is why those are smaller.

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

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Austin moved to approve the rezoning. Mr. Sanchez seconded the motion. Upon a vote, the motion passed 5-1, with Ms. Garza opposed.

Started: 5:40 p.m.

Ended: 5:46 p.m.

Item #1.2

Rezoning:

**Lot 8, Block 5, Taurus Estates #9 Phase I
R-2 to R-3
Ericka Padron**

Mr. Hernandez went over the write-up stating the site is located approximately 147' North of Azalea Street along the West side of N. Inspiration Road. – see vicinity map.

SURROUNDING ZONES:

N:	R-2	- Duplex-Fourplex Residential
E:	R-1/AO-I	- Single Family Residential & Agricultural Open Interim
W:	R-1	- Single Family Residential
S:	C-2	- Neighborhood Commercial

EXISTING LAND USES:

N:	Apartment
E:	Single Family Home/Junkyard
W:	Single Family Home
S:	Commercial
Site:	Vacant

FLUM:

Moderate Density Residential (MD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map. Moderate Density Residential uses would reflect townhomes, mobile homes, duplexes; zonings would include R-1T, R-2, R-4 (mobile homes). Staff mailed 22 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 Izaguirre asked if there was any input in favor or against the request.

Mr. Hector Enriquez stated he was proposing a rezoning for an R-3 to build an eight-plex.

Chairwoman Ms. Izaguirre entertained a motion to close the public hearing. Ms. Garza 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 were none.

Chairwoman Ms. Izaguirre asked if there is a site plan?

Mr. Hernandez replied no they don't have a site plan since it was a rezoning.

Chairwoman Izaguirre asked how big was the lot?

Mr. Hernandez replied that the lot was 16,000 sq. ft.

Mr. Alaniz asked if there was enough parking.

Mr. Hernandez replied that the minimum was 2 parking spaces per unit.

Ms. Thompson asked if the apartment complexes on Inspiration Road were all fourplex.

Mr. Hernandez replied that there was only fourplex's in the area.

Ms. Thompson asked that if the apartments that were being proposed were two-story.

Mr. Hernandez replied no.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to "Table" the rezoning until the applicant brings a site plan. Ms. Thompson seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:46 p.m.

Ended: 5:48 p.m.

Item #1.3

Rezoning:

**Lot 2, Block 4, Gulf Breeze Addition
R-1 to C-3
AMS Management & Properties, LLC
c/o Ana M. Gutierrez-Salinas**

Mr. Hernandez went over the write-up stating the site is located approximately 75' East of N. Conway Aveune along the South Side of Sunrise Lane. – see vicinity map.

SURROUNDING ZONES:

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

EXISTING LAND USES:

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

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map showed this area as a Low Density Residential (LD) land use area, which is more consistent with a residential zone such as R-1 zoning. The land use for this property has been residential for years and staff believes that it still remains as 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. The Future Land Use Map is not 'set on stone' and zoning does not have to match, but unless there is a unique reason to deviate from it.

Staff notes that on September 8, 2014 the City Council considered and approved a C-3 rezoning request for Lot 1, which is adjacent to this property. Staff mailed 16 notices to property owners within 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 Izaguirre asked if there was any input in favor or against the request.

There were none.

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

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

There were none.

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

Started: 5:48 p.m.

Ended: 5:53 p.m.

Item #1.4

Rezoning:

**A 2.44 acre tract of land out of the,
7.8 acres out of the Fernandez Strip
Out of Porcion 52**

R-2 to C-3
Sandra Tamez

Mr. Hernandez went over the write-up stating the subject site is located approximately 1,660' South of Mile One South Road along the west side of S. Inspiration Road. – see vicinity map.

SURROUNDING ZONES:	N:	PUD	- Single Family Residential
	E:	PUD	- Single Family Residential
	W:	PUD	- Single Family Residential
	S:	R-3	- Multi-Family Residential

EXISTING LAND USES:	N:	Single Family Home
	E:	RV Park
	W:	Vacant
	S:	Vacant
	Site:	Single Family Home

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff mailed out 10 notices to property owners within 200' radius to get input in regards to this request. The applicant's original request for an R-2 was approved by City Council on May 8, 2023; however, the applicant wishes to rezone part of the lot to C-3 to rent as a venue for events. The proposed zone does not comply with City's Future Land Use Map nor surrounding land uses. Staff notes that the applicant is requesting a higher density than what is currently existing in this area and for that reason staff cannot support the request.

RECOMMENDATION: Staff recommends Denial.

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

Ms. Daniela is speaking on behalf of Ms. Tamez. She stated Ms. Tamez is requesting for part of the property to be rezoned to C-3 so she could be able to rent it for events for her family and friends.

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

Chairwoman Izaguirre asked why couldn't the board see the item under a conditional use permit?

Mr. Hernandez replied that it was not an allowable use under the R-2 zone.

Chairwoman Izaguirre asked why did Muñequita Ranch obtain a conditional use permit?

Ms. Dimas replied Muñequita Ranch was a different zone.

Ms. Thompson asked that who were the property owners that surrounded the area.

Mr. Hernandez replied that the property on the north side was the applicant and on the north and south was Rhodes.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to approve the rezoning. Ms. Austin seconded the motion. Upon a vote, the motion passed 5-1, with Ms. Garza abstained.

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #1.5

Conditional Use Permit:

**Mobile Food Truck- Baja Fish Tacos
2509 Colorado Street, Ste. 202
Lot 1, Block 2, Santa Lucia Development
C-3
Octavio A. Morales**

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 a variety of seafood. Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Monday – Thursday & Sunday from 10:45 am to 12:00 am
Friday & Saturday from 10:45am to 2:00am
- **Employees:** 7 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.)
- 3) Must acquire a business license prior to occupancy; and
- 4) CUP not transferable to others

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

Mr. Morales who is one of the owners of Baja Fish Tacos was present.

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

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

There was none.

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

Started: 5:55 p.m.

Ended: 6:01 p.m.

Item #1.6

**Conditional Use Permit
Renewal:**

**Sale & On-Site Consumption of Alcoholic
Beverages- Taboo Bar & Grill
608 N, Shary Road, Suites 9 & 10
Lot 1, Alba Plaza
C-3
BGD Investments, LLC**

Mr. Hernandez went over the write-up stating the subject site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of Shary Road —**see vicinity map**. Access to the site is via a 34' driveway off of Shary Road. The applicant is currently operating a nightclub. It is noted that a nightclub and the sale & on-site consumption of alcoholic beverages are an allowable use under the General Business Zone (C-3), but require a conditional use permit and the City Council's approval. This nightclub concept offers food, VIP areas, live music and concerts, etc. The last CUP approved for this location was on February 12, 2024 for a 6-month period.

- **Days/Hours of Operation:** Thursday – Sunday from 6:00 p.m. to 2 a.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 10 employees
- **Parking:** It is noted that parking is held in common and there is a total of 138 total parking spaces shared with the various businesses within the commercial plaza.
- Section 1.56-3 of the Zoning Code cites that Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, or nightclubs: must be 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within 300' (see aerial); however, P&Z and the Council have waived this separation requirement in previous CUP's.

REVIEW COMMENTS: Staff mailed out 29 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. In conferring with Mission PD for incidents at this location, reports included employees selling narcotics from inside the establishment, intoxicated patrons, and other minor incidents.

RECOMMENDATION: Staff recommends approval subject to:

1. 6-months re-evaluation to continue to assess this operation.
2. Waiver of the 300' separation requirement from the residential homes.
3. Continue to comply with the Building, Fire, Health, Noise and Sign Codes,
4. Continue to comply with TABC requirements, and
5. Must have at least 2 securities at all times.

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. Ms. Thompson moved to close the public hearing. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

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

Ms. Garza asked how many police reports did planning department receive from the Police Department.

Mr. Hernandez replied four police reports.

Ms. Garza asked that if the employee selling narcotics was arrested.

Mr. Hernandez replied that the report didn't state that.

Ms. Garza asked that what happens if the conditional use permit would expire? Does the business continue to operate?

Mr. Hernandez replied yes, the last time taboo bar & grill was seen was in February.

Mr. Alaniz asked if the applicant was present?

Mr. Hernandez replied no.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to approve the conditional use permit renewal for six months. Mr. Villarreal seconded the motion. Upon a vote, the motion passed 5-1, with Ms. Garza abstaining.

Started: 6:01 p.m.

Ended: 6:05 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

**Crystal Estates Phase IV Section 1 Subdivision
Being a 7.489-acres parcel of land, out of Lot 27-1,
West Addition to Sharyland
R-2
Developer: DG & GG Investments, LLC
Engineer: Ever Engineering, LLC**

Mr. Ramirez went over the write-up stating this proposed subdivision is located east of Inspiration Rd. approximately 1,400' south of W. 2 Mile Road. – **see vicinity map**. The developer is proposing twenty-four (24) Duplex - Fourplex lots. - see plat for actual dimensions, square footages, and land uses.

VARIANCE

The developer is requesting to change the following street names:
Estevan St. to Britney St. / Gabriel St. to Bailey St.

Note:

Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used, and shall conform to the existing street naming system.

WATER

The developer shall connect to an existing 12" water line located along the west side of Inspiration Rd. and extend into the subdivision. The water line will be a main 8" looped line providing water service for each lot. There are 2 proposed fire hydrants via direction of the Fire Marshal's office.
– see utility plan

SEWER

Sanitary sewer service for this subdivision will tie into a proposed manhole located within the Inspiration Rd. ROW. The sewer line will extend into the subdivision collect from each lot through a 6" stub out into the proposed 8" sewer main line. The Capital Sewer Recovery Fee has been paid and credited to the account.

STREETS & STORM DRAINAGE

The proposed internal street is a 32' back-to-back within a 50' Right of Way. Access will be from Inspiration Rd. The development will utilize 2 proposed detention ponds to mitigate the increase in runoff for the 50-year development conditions to below the 10-year existing conditions. The development will add impervious cover to the site and increase flows. However, flow rates for runoff leaving the site will be less than existing conditions due to the proposed detention ponds. Therefore, the runoff resulting from the proposed development will not produce a significant adverse impact to other properties, habitable structures, or drainage infrastructure systems downstream. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Installation of street lighting as per City Standards
- Park Fees have been paid and credited to the account
- Water District Exclusion
- Conveyance or Payment of Water Rights
- Must comply with all other format findings.

RECOMMENDATION

Staff recommends approval subject to:

1. Water District Exclusion
2. Conveyance or Payment of Water Rights/Fee
3. Denial of the requested variance to use suggested street names requested by the owner and keep the existing City's continued and aligned street names as noted on the Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

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

Mr. Delfino Gaona was present. He mentioned that the variance that he was requesting was to name the streets under his daughter's names.

Mr. Ramirez stated the variance has been submitted and is a part of the proposal. He explained that staff recommends denial simply because the streets don't align with the city's existing names.

Chairwoman Izaguirre stated that the subdivision was not a private subdivision.

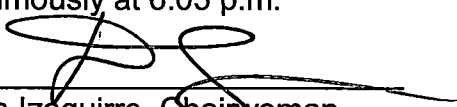
Mr. Sanchez stated that on gated & private subdivisions the board has allowed the name change of the streets.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to deny the variance request for street names changes and approve the subdivision plat. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0

ADJOURNMENT

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to adjourn the meeting. Ms. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:05 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission