

**CITIZEN'S ADVISORY COMMITTEE**  
**January 23, 2024**  
**Regular Meeting**

**Members Present**

Lorenzo Garza, Chairman  
Roxanne Mendez  
Marsha Terry  
Emigdio Villanueva  
Monika Rosales-Flores  
Zoreida Lopez, Vice-Chairwoman  
Francisco Cadena

**Members Absent**

Cynthia Pacheco  
Alma Garcia

**Staff Present**

Jo Anne Longoria  
Esther G. Rivera  
Danny X. Sanchez

**Call Regular Meeting to Order**

Ms. Jo Anne Longoria called Regular Meeting to order at 5:30 PM. Mr. Danny Sanchez conducted roll call. He stated that (7) members were present therefore there was a quorum.

**Election of Officers**

Ms. Longoria stated that the first meeting of the year we conduct Election of Officers. She mentioned that she asked the Chair and Vice-Chair that served prior year if they were interested in continuing to serve and both responded yes and opened the floor for nominations. After a brief discussion, Ms. Longoria asked for a motion for election of officers Lorenzo Garza as Chairman and Zoreida Lopez as Vice-Chair. Mr. Emigdio Villanueva, Jr. motioned to approve Chair and Vice-Chair as both members agreed to continue. Ms. Marsha Terry seconded the motion. Motion carried unanimously. (7-0)

Chairman Garza took time to acknowledge two newly appointed members. Each member then introduced themselves.

**Citizens Participation**

Chairman Garza asked if there were any citizens present to discuss any items on the agenda or to express their concerns on this Regular Meeting. With no one present, and no comments, he continued with the next item.

**Discussion and Recommendation to approve Minutes for Regular Meeting held on January 23, 2024**

Mr. Sanchez asked the members present if they had reviewed the minutes for the Regular Meeting held on January 23, 2024 and if there were any questions or comments. After a brief discussion, Chairman Garza asked for a motion to approve the minutes as presented. Ms. Marsha Terry motioned to approve the minutes as presented. Mr. Francisco Cadena seconded the motion. Motion carried. (7-0)

**Discussion and Recommendation to approve Tentative Schedule for Annual Action Plan FY 2024-25 (Revisions)**

Ms. Longoria presented the revised Tentative Schedule for Annual Action Plan FY 2024-25. She stated that the first meeting scheduled in March would be cancelled due to conflicts during Spring Break. She also mentioned that the Paint Mission Project is scheduled for April 6<sup>th</sup> during CDBG week and the Spring Rally is scheduled as a joint event with Music at the Park on April 12<sup>th</sup>. After a brief discussion on Welcome Home Events, Chairman Garza asked for a motion to approve the revised Tentative Schedule for Annual Action Plan FY 2024-25 as presented. Ms. Monika Rosales-Flores motioned to approve the Tentative Schedule for Annual Action Plan FY 2024-25 (Revisions) as presented. Mr. Villanueva seconded the motion. Motion carried. (7-0)

**Discussion and Recommendation on Status of Housing Assistance Program (HAP) Applicant Waiting List**

Ms. Longoria presented the Status of Housing Assistance Program (HAP) Applicant Waiting List. She went on to explain what the asterisks represented on the waiting list and the importance of their emphasis. She stated applicant #2 and #7 on the waiting list were eligible but withdrew due to personal reasons and health issues. Mr. Villanueva had a question about the process of the withdrawal of applicants from the program. Ms. Longoria stated that there is a form that the applicant(s) are required to complete. Chairman Garza followed with a question concerning the houses that recently burned. He asked if they had applied for the program. Ms. Esther Rivera responded that one of the homes was a rental home and the other one was a homeowner but had homeowner's insurance. Ms. Terry advised the committee and staff that they have a closet and would be able to donate clothing to the families. Ms. Longoria mentioned they would advise the fire department. After a brief discussion, Chairman Garza asked for a motion to approve the Status of Housing Assistance Program (HAP) Applicant Waiting List. Ms. Roxanne Mendez motioned to approve Status of Housing Assistance Program (HAP) Applicant Waiting List as presented. Vice-Chair Lopez seconded the motion. Motion carried. (7-0)

**Presentation on HAP Phase 22-II Welcome Home Events**

Ms. Rivera presented the PowerPoint Presentation for the Welcome Home Events that were held on December 7, 2023 and December 21, 2023. Mr. Cadena asked when the home for Mr. Gomez at Madero was built. Ms. Rivera responded that built in the 50's. No action was taken and moved on to the next item.

**Other Business**

**A. Progress Report- December Unofficial**

Mr. Sanchez presented the Unofficial Progress Report for December 2023. He went on to explain the expenditures received to date for the agencies, housing and administration. He mentioned that both Comfort House and Silver Ribbon had technical difficulties uploading the requests through the software. Mr. Sanchez explained the CDBG-CV expenditures for Emergency Assistance Program, Affordable Homes and Fire Department. After a brief discussion, Chairman Garza asked for a motion to approve the progress report as presented. Ms. Mendez motioned to approve the December progress report. Vice-Chair Lopez seconded the motion. Motion carried. (7-0)

**B. Ethics Training/Open Meetings Act – Discussion**

Ms. Longoria explained the required that all members are required to complete the Ethics Training and Open Meetings Act Training. She went on to say that since new CAC members needed the Ethics Training it would be a great opportunity for the other CAC members to view the video who had not previously attended the meeting. Ms. Longoria also stated that a quorum is required when viewing the training. She asked at what meeting they all wanted to include the training. There was a consensus from the members present to schedule it during the next meeting.

**C. Chairman's Comments**

Chairman Garza welcomed to the new members and enjoyed their interaction on the items presented.

**D. Committee Member's Comments**

Members present also welcomed the new members. Both new members expressed their interest in the CDBG program and stated they were happy to participate.

**E. Director's Comments**

Ms. Longoria stated she had no comments.

**Adjourn**

Chairman Garza asked for a motion to adjourn the meeting. Mr. Villanueva motioned to adjourn the meeting. Mr. Cadena seconded. Motion carried (7-0). The meeting was adjourned at 6:38 P.M.

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Lorenzo Garza, Chairman

**PLANNING AND ZONING COMMISSION  
JANUARY 10, 2024  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

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

**P&Z ABSENT**

Kevin Sanchez

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Alex Hernandez  
Victor Flores

**GUEST PRESENT**

Alejandro Romero  
J. Angel Regalado  
Manuel Soberon  
Ruben Arcaute  
Gerardo Cabello  
Juan Reyes  
Coney & Leslie Beyer  
Gabriel Guerrero  
Kenya Morin

**CALL TO ORDER**

Acting Chairman Hardison called the meeting to order at 5:38 p.m.

**CITIZENS PARTICIPATION**

Acting Chairman Mr. Hardison asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR DECEMBER 13, 2023**

Acting Chairman Mr. Hardison asked if there were any corrections to the minutes for December 13, 2023. Mr. Villarreal made a correction on the minutes. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:38 p.m.**

**Ended: 5:51 p.m.**

**Item #1.1**

**Election of Chairman & Vice-Chairman**

Chairwoman Izaguirre asked if the board had any questions.

Mr. JD Villarreal stated that he would like to keep the acting Chairwoman and Vice Chairman.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to reappoint Diana Izaguirre as Chairwoman and Mr. Kevin Sanchez as Vice-Chairman. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:52 p.m.**

**Ended: 5:52 p.m.**

**Item #1.2**

**Rezoning:**

**A tract of land containing 0.612 of one acre,  
being a part or portion of the Gulf Course and Lake  
Reserve out of Meadow Creek Country Club Phase I-B  
1916 Crystal Drive  
(AO-I) Agricultural Open Interim to  
(R-1) Single Family Residential**

## Meadow Creek Development

No Action Taken

Started: 5:52 p.m.

Ended: 5:52 p.m.

Item #1.3

Rezoning:

A tract of land containing 0.551 of one acre, being a part or portion of the Gulf Course and Lake Reserve out of Meadow Creek Country Club Phase I-B  
1931 Meadow Way Drive  
(AO-I) Agricultural Open Interim to  
(R-1) Single Family Residential  
Meadow Creek Development

No Action Taken

Started: 5:52 p.m.

Ended: 5:52 p.m.

Item #1.4

Rezoning:

A tract of land containing 0.613 of one acre, being a part or portion of the Gulf Course and Lake Reserve out of Meadow Creek Country Club Phase I-B  
1914 Crystal Drive  
(AO-I) Agricultural Open Interim to  
(R-1) Single Family Residential  
Meadow Creek Development

No Action Taken

Started: 5:45 p.m.

Ended: 5:47 p.m.

Item #1.5

Rezoning:

A 0.33 acres of land out of a 9.53 acre tract  
Out of the West 13.335 acre of the South 19.55  
Acres of Lot 29-8, West Addition to Sharyland  
Of Porciones 53, 54, 55, 56, & 57  
AO-I to R-1  
Juan Reyes

Ms. De Luna went over the write-up stating the subject site is located at ¼ mile west of Mayberry Road along the north side of Mile 2 Road –see vicinity map.

### SURROUNDING ZONES:

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

### EXISTING LAND USES:

N: Residential  
E: Vacant  
W: Residential  
S: Veterans High School

Site: Vacant

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

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

**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.

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

Mr. Villarreal asked that if the names and list attached to the packet were informed of the rezoning.

Ms. De Luna stated that a letter was sent to the residence on that list about the rezoning.

Mr. Villarreal asked if there was a response.

Ms. De Luna stated "no".

Mr. Villarreal asked that if there's been a practice by the city to post a notice on the property.

Ms. De Luna stated that a sign was posted on the property with information of the meeting.

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

**Started:** 5:55 p.m.

**Ended:** 6:01 p.m.

**Item #1.6**

**Rezoning:**

**A 48.75 acre tract of land, more or less  
Out of Lots 9-5, 9-6, 10-6, and 10-5,  
West Addition to Sharyland  
R-2 to R-3  
Cabe Investments, LP**

Ms. De Luna went over the write-up stating the subject site is located at the Southwest corner of Military Parkway and S. Conway Blvd. (F.M. 1016)

<b>SURROUNDING ZONES:</b>	N:	I-1	– Light Industrial
	E:	I-1	– Light Industrial
	W:	I-1	– Light Industrial

S: AO-I – Agricultural Open Interim

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

**FLUM:** Planned Unit Development (PUD)

**REVIEW COMMENTS:** The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. Staff notes that the Future Land Use Map designation is Planned Unit Development due to Tony Domit's proposed PUD development back in 2006. However, since no subdivision was ever finalized in the original PUD, the City initiated a zoning change for this area to Industrial back in May 2018 due to the construction of the Anzaldua's International Bridge. The City recently approved an R-2 zone in September of 2022, now the request is to consider a multi-family. Staff does not object to the proposal since the property is approximately 230' away from Conway Blvd.

**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.

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

Mr. Villarreal asked that how often does the city discuss the future land use map.

Ms. De Luna stated that there was something in the works. She added that the ordinance committee meeting was working on it.

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

**Started: 6:01 p.m.**

**Ended: 6:13 p.m.**

**Item #1.7**

**Rezoning:**

**All of Lot 1, Bodine Subdivision No. One  
C-2 to C-3  
Norma L. Cavazos**

Ms. De Luna went over the write-up stating the subject site is located at the NW corner of E. Griffin Parkway and Bryan Road. The tract has 200' of frontage to E. Griffin Parkway (F.M. 495)

and 270' frontage to Bryan Road. Griffin Parkway is a 5-lane major thoroughfare and Bryan Road is designated as a major thoroughfare.

**SURROUNDING ZONES:** N: R-1A – Large Lot Single Family  
E: C-3 – General Business  
W: R-1 – Single Family Residential  
S: C-1 – Office Building

**EXISTING LAND USES:** N: Residential  
E: Vacant Commercial  
W: Residential  
S: Medical Offices & Related  
Site: Mixture of Commercial & Multi-Family

**FLUM:** Lower Density Residential (LDA)

**REVIEW COMMENTS:** The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses. Staff notes that the Future Land Use Map can be amended to reflect a commercial use. The City approved a C-2 (Neighborhood Commercial) zone for this property in October of 2018. Staff notes that slowly residential properties along Griffin Parkway are transitioning to commercial. Staff mailed 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 Izaguirre asked if there was any input in favor or against the request.

Mr. Coney Echelbrger stated that he resides in Rio Concho subdivision and was against this request. He stated that expansion south of Bryan is four lanes and the expansion on Bryan north of 495 is going to take year. He added that once you change the zone from C-2 to C-3 you lose the ability of the type business that can be established. He mentioned that the worst-case scenario was traffic. He added that he would like staff to change that street into a four-lane street.

Mr. Ruben Arcaute was present representing his wife Dr. Norma Cavazos. He stated that the state highway has to be a part of this to expand it. He added that the lot had been for sale since 2018 and property won't sale as residential. He stated that they were not looking for convince stores to build on that property but were looking for businesses.

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

Mr. Villarreal asked that if the property across the street in red was vacant. He added that if that property had been rezoned.

Ms. De Luna stated that the property had been rezoned to general commercial. She added that the property owner was proposing a commercial plaza. She mentioned that it was in the subdivision process.

Mr. Villarreal asked that if the concern raised today, was that concern raised when the other property was rezoned.



Ms. De Luna stated that the city will ask the property owner to dedicate part of their property to expand the road.

Mr. Villarreal stated that when the property was ready for development the city would ask the property to widen the road.

Ms. De Luna stated that it was part of the subdivision process to dedicate that property to expand.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to the approve the rezoning. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:13 p.m.**

**Ended: 6:15 p.m.**

**Item #1.8**

**Conditional Use Permit:**

**Drive-Thru Service Window**

**- MrKORN Gourmet Corn and More**

**722 E. 8<sup>th</sup> Street, Ste. G**

**Lots 11 & 12 & 20' strip adj.**

**to Lots, Block 113, Mission**

**Original Townsite**

**C-3**

**MrKORN Gourmet Corn and More, LLC**

**c/o Kenya Morin**

Ms. De Luna went over the write-up stating the subject site is located on the Southwest corner of N. Mayberry Road and E. 8<sup>th</sup> Street. The applicant has been in business in this commercial plaza since May 6, 2022. In October 2023, the landlord acquired a conditional use permit to construct a drive-thru service window to the suite that the applicant is leasing in an effort to help boost this commercial plaza. Since the applicant would like to utilize the drive-thru service window, therefore the need for a conditional use permit. Access to the drive-thru service window is provided off of East 8<sup>th</sup> Street.

- **Days/Hours of operation:** Tuesday – Sunday from 12pm to 9pm, closed on Mondays
- **Staff:** 2 employees will man this operation
- **Parking:** Based on the square footage of the building, a total of 16 parking spaces are required for the plaza. The applicant has 16 parking spaces including the handicap parking and 2 in the drive-thru window, thus meeting code.

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

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

1. 1 year re-evaluation to assess the new business, and
2. Compliance with all City Codes (Building, Health, Fire, etc.)

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.

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

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

**Started: 6:15 p.m.**

**Ended: 6:18 p.m.**

**Item #1.9**

**Conditional Use Permit:**

**Drive-Thru Service Window and Sale & On-Site  
Consumption of Alcoholic Beverages – Los Cuates  
Taco Shop  
2515 S. Colorado, Ste. 11  
Lot 2, Block 2, Santa Lucia Development  
C-3  
Ana Castillo**

Ms. De Luna went over the write-up stating the subject site is located the NW corner of Colorado and Taylor Road. The applicant is leasing a 1,778 sq. ft. suite within this commercial development that includes a drive-thru service window and would like to utilize it for a proposed Taqueria. The applicant is also proposing to offer alcoholic beverages with their meals. Access to the site will be provided off of Colorado or Taylor through existing 24' driveways. Customers can park within the shared parking area to dine in or they can use the drive-thru service window to pick up their order. The menu consists of: Tacos, espadas, quesadillas, burritos, protein bowl, lettuce tacos, soups and salads. On the weekends they plan to offer Barbacoa, carnitas, and chicharron.

- **Days/Hours of operation:** Tuesday – Saturday from 12noon to 2am, and Sunday from 6am to 10pm
- **Staff:** a total of 15 employees will man this operation
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 46 seating spaces, which require 15 parking spaces. It is noted that the parking is held in common and there is a total of 74 parking spaces that are shared with the other businesses within the commercial plaza. The landscaping requirements are been met.
- **Sale of Alcohol:** Sec. 6-4 which states that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital, within the corporate limits of the city. Staff notes that there is a school however, it outside our city limits.

**REVIEW COMMENTS:** Staff mailed out 4 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. Since this site has been previously used for a restaurant with the use of the drive-thru, staff does not object to a new applicant re-opening the site for a new similar restaurant.

**RECOMMENDATION:** Approval subject to:

1. 1 year re-evaluation in order to assess the new business.
2. Installing a speed bump at the end of drive-thru window.
3. Compliance with all City Codes (Building, Fire, Health, etc.), and

4. CUP is not transferable to others.

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.

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

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

**Started: 6:18 p.m.**

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

**Item #2.0**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic Beverages  
& Drive-Thru Service Window – Chisme Bar & Grill  
1512 E. Expressway 83, Suites 108 & 109  
Lot 1, Re-Subdivision of Plaza Cantera  
(aka Lot 2A and 3, Stewart Plaza Subdivision  
C-3  
MN 2016, LLC  
c/o Molamma B. George**

Ms. De Luna went over the write-up stating the subject site is located on the SW corner of Stewart Road and Expressway 83. The applicant is leasing two suites within the commercial plaza for the proposed Bar & Grill. Access to the site is provided from a 38' driveway off of Expressway 83. The applicant proposes to have a restaurant with a large dining area and bar where customers can relax and enjoy a delicious botana. The menu consists of: Indian and American appetizers, wings, burgers, tacos, Asian chins, and bread. The applicant is proposing to have 14 booths, 25 tables, a bar, and a stage, where he proposes to have live music, mariachi, and karaoke.

- **Days/Hours of Operation:** Every day from 11:00 a.m. to 2:00 a.m.
- **Staff:** 20 employees
- **Parking & Landscaping:** In reviewing the floor plan, the applicant is proposing 159 seating spaces, which require 53 parking spaces (159 seating spaces/3 = 53 parking spaces). It is noted that the parking area is held in common and there is a total of 219 parking spaces that are shared with the other businesses within the commercial plaza.
- **Sale of Alcohol:** The restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the property line of any churches, schools, publicly owned property, and residences. There are 3 residential lots that are within the 300'. However, P&Z and City Council have waived the separation requirement during other similar CUP's approval.

**REVIEW COMMENTS:** Staff mailed out 14 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. Staff notes that other CUPS for the sale and on-site consumption of alcoholic beverages for this location have been approved for other businesses in the past.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. 6 months re-evaluation to assess this new operation,
2. Waiver of the 300' separation requirement from residential uses,
3. Provide a sound buffer to avoid noise from traveling,
4. Continued compliance with all City Codes (Building, Fire, Health codes, Noise, etc.),
5. CUP not to be transferable to others, and
6. Acquisition of a business license prior to occupancy.

Vice Chairman Mr. Sanchez asked if there was any input in favor or against the request.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Chairwoman Izaguirre asked that if this was the same place the city had issues.

Ms. De Luna stated that it was same location but different owner.

Chairwoman Izaguirre asked that who was the owner before.

Ms. De Luna stated that it was Yair Cruz.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the conditional use permit for 6 months. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:25 p.m.**

**Ended: 6:27 p.m.**

**Item #2.1**

**Conditional Use Permit**

**Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Buffalo Wings & Rings  
907 S. Shary Road  
Lot 2A, Colorado Subdivision  
C-3  
MS & PS, LLC**

Ms. De Luna went over the write-up stating the subject site is located on the NE corner of Shary Road and Colorado Street. Access to the restaurant is from both Shary and Colorado Street. Buffalo Wings & Rings has been in operation at this location with a conditional use permit since 2009. The applicant would like to continue to offer alcoholic beverages with his meals. The applicant would like to renew his conditional use permit. The last CUP approved for this location was on November 25, 2019 for a period of 4 years. Staff notes that this would be the applicant's 5<sup>th</sup> renewal.

- **Days/Hours of Operation:** Every day from 11a.m. to 12a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Employees:** 40 - 42 in different shift
- **Parking & Landscaping:** The 5,171 sq.ft. restaurant has a total of 237 seating spaces, which require 79 parking spaces (237 seating spaces/3 = 79 parking spaces). There are 94 existing spaces, exceeding code by 15. They are also in compliance with the landscaping code. Staff notes that parking lot has to be restriped and maintained for potholes.
- **Sale of Alcohol:** This restaurant does have a bar component which requires that there be no churches, schools, or residences within 300' of the restaurant. There are no such uses within 300'.

**REVIEW COMMENTS:** Staff mailed out 8 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. Staff has also requested a report from Mission P.D. in regards to any incidents which may have occurred in relation to the sale and on-site consumption of alcohol. We should have that report by the meeting date.

**RECOMMENDATION:** Staff recommends approval for life of use subject to:  
 1) Compliance with all City Codes (Building, Health, Fire, etc.), and  
 2) CUP not to be transferable to others.

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

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

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

**Started: 6:27 p.m.**

**Ended: 6:29 p.m.**

**Item #2.2**

**Conditional Use Permit**

**Renewal:**

**Sale & On-Site Consumption of Alcoholic  
 Beverages – Yoko's Sushi Restaurant  
 122 S. Shary Road, Ste. K  
 Lot 2, Home Depot Subdivision #2  
 C-4  
 Yoko's Sushi Restaurant, LLC**

Ms. De Luna went over the write-up stating the subject site is located 1,200' north of Expressway 83 along the west side of Shary Road within a commercial plaza. Access to the site is from two primary driveways off of Shary Road. Yoko's Sushi Restaurant is a family-oriented restaurant

that has been in operation with a conditional use permit since 2009. The applicant would like to continue to offer alcoholic beverages with their meals. The applicant would like to renew his conditional use permit. The last CUP approved for this location was on December 13, 2021 for a period of 2 years. Staff notes that this would be the applicant's 5<sup>th</sup> renewal.

- **Days/ Hours of Operation:** Sunday – Wednesday from 11:00a.m. to 10:00p.m. and Thursday - Saturday from 11:00a.m. to 2:00a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 6 employees
- **Parking:** The 1,400 sq.ft. restaurant has a total of 58 seating spaces, which require 19 parking spaces (58 seating spaces/3 = 19.3 parking spaces). A total of 80 parking spaces are held in common within the commercial plaza. Staff notes that the parking needs to be re-striped.
- **Sale of Alcohol:** This restaurant does have a bar component which requires that there be no churches, schools, or residences within 300' of the restaurant. There are no such uses within 300'.

**REVIEW COMMENTS:** Staff mailed out 7 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. The hours of operation are consistent with other family restaurant in the area. Staff has also requested a report from Mission P.D. in regards to any incidents which may have occurred in relation to the sale and on-site consumption of alcohol. We should have that report by the meeting date. Since the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

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

- 1) Compliance with all City Codes (Building, Health, Fire, etc.), and
- 2) CUP not to be transferable to others.

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

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

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

**Started: 5:38 p.m.**

**Ended: 5:51 p.m.**

**Item # 2.3**

**Consideration and action related to proposed Zoning Ordinance Amendment, creating Article IV-A, providing for the Accommodations Review Board, Method for Submitting Reasonable Accommodations Requests, and Establishing Reasonable Accommodations Standards for Review and Appeal.**

City Attorney Mr. Victor Flores went over the ordinance.

**See Exhibit (A)**

Ms. Garza asked that if there was a waiting period to reapply for consideration.

City Attorney Mr. Victor Flores stated "No" we don't want to have them wait 6 months to reapply. He added that they can automatically reapply and not have them wait.

Mr. Villarreal asked that how soon was this ordinance applicable after city council would approve.

City Attorney Victor Flores stated that he's hoping that it's applicable as soon as city council approves it.

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

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

**Ended: 6:15 p.m.**

**Item #3.0**

**Single Lot Variance:**

**Being 0.33 acres of land out of a 9.53 acre tract out of the West 13.335 acres of the South 19.35 acres of Lot 29-8, West Addition to Sharyland AO-1 (Proposed R-1)  
Juan R. Reyes**

Mr. Ramirez went over the write-up stating the subject site is located north of Mile 2 Road approximately 405' west of Mayberry Rd. The property measures .33 acres net with a frontage of 100' and is currently vacant. The owner wishes to construct a residential home.

**WATER:** There is an existing 8" water line to the west side of this site readily available to service the lot. The Fire Marshal does not require any additional hydrants for this site since there is an existing fire hydrant located within 500' of the site.

**SEWER:** The property also has access to an existing 8" sanitary sewer line located along the within the ROW of E. 2 Mile Rd. A Capital Sewer Recovery fee will be assessed in the amount of \$200.00 (\$200/HUE) as per Ordinance #3022.

**STREETS & DRAINAGE:** The subject property will have frontage to E. 2 Mile Rd. An additional 25' of ROW will be required. Storm drainage will be accomplished through on-site detention.

**OTHER COMMENTS:**

- Payment of Park Fees in the amount of \$500 x HUE.
- Provide proof of water district exclusion
- There is an existing streetlight located across the street to the south of this lot.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. Payment of the Capital Sewer Recovery Fee

2. Payment of the Park Fee
3. Provide proof of water district exclusion
4. Dedication of additional R.O.W. along Mile 2 North (50' from C/L)
5. Comply with all other format findings

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

#### **ITEM#4.0**

#### **ADJOURMENT**

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Mrs. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:31 p.m.



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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission



**ZONING BOARD OF ADJUSTMENTS  
OCTOBER 18, 2023  
CITY HALL'S COUNCIL CHAMBERS**

**ZBA PRESENT**

Alberto Salazar  
Heracio Flores, Jr.  
Marty Gonzalez  
Andrew Riddle

**ZBA ABSENT**

Michael R. De Leon  
Dolly Elizondo  
Humberto Garza  
Ellud Reyna

**STAFF PRESENT**

Susie De Luna  
Victor Flores  
Irasema Dimas  
Jessica Munoz  
Alex Hernandez

**GUESTS PRESENT**

Gilberto Mercado  
Maria Hernandez  
Anwar Perez  
Olga Martinez  
Lucas Compres  
Narcisco Romero  
Romulo Ramirez Jr.  
Robert Yerena  
Gail Smith  
Seraplo De Anda  
Luis Verdiguell

**CALL TO ORDER**

Chairman Alberto Salazar called the meeting to order at 4:55p.m.

**CITIZENS PARTICIPATION**

Chairman Alberto Salazar asked if there was anyone in the audience that had anything to present or express that was not on the agenda.

There was none.

**APPROVAL OF MINUTES FOR SEPTEMBER 20, 2022**

Chairman Alberto Salazar asked if there were any corrections to the minutes. Mr. Riddle moved to approve the minutes as presented. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.1**

**TO KEEP A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6 SIDE AT 807 FAIRWAY DRIVE, BEING LOT 55, BLOCK 2, MARINEL NO. 2, AS REQUESTED BY NARCISCO A. ROMERO**

Ms. Dimas stated that the subject site is located approximately 295' east of Fairway Circle along the north side of Fairway Drive. The lot measures 50' x 120' for a total 6,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 24'x19' outdoor covered patio that was built without a permit during COVID lockdown. The applicant did share that he had applied for a building permit but since he didn't hear back from the City he decided to continue with the construction. Staff did find a building permit application from December 1, 2020 which was pending because it was not meeting the side setback. However, this application was submitted after Code Enforcement had notified him of the violation on November 19, 2020.

Staff notes that ZBA has approved the following variance in Marinel Subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 50	10' front setback	1/25/12	Approved

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Since the lot is not unique in shape and the violation was self-inflicted, staff cannot support the request.

**RECOMMENDATION:** Staff recommends denial. The structure needs to be modified to comply with the required setbacks.

Chairman Alberto Salazar asked if the board had any questions for staff.

There was none.

Mr. Carlos Romero was representing the applicant Mr. Narcisco A. Romero. Mr. Romero stated that they filed a permit application in 2020 during covid. He stated that he never heard back from the city so they decided to continue with construction. He mentioned that if the city would need to access any utilities he would be responsible for any demolition cost.

Chairman Alberto Salazar asked that if he was using it as a carport?

Mr. Carlos Romero stated no, we use it as a patio. He mentioned that he submitted estimates on the cost to demolish.

Mr. Andrew Riddle asked staff for confirmation on the side setbacks that there were no utilities.

Ms. Dimas stated that there were no utilities on the sides.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Flores moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. Gonzalez moved to approve the variance request. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

#### **ITEM #1.2**

**TO ALLOW A 0' EAST SIDE SETBACK AND A 3.6' WEST SETBACK INSTEAD OF THE REQUIRED 6'; A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10'; AND TO KEEP A TOTAL OF 1,870 SQ.FT. INSTEAD OF 800 SQ. FT MAXIMUM ALLOWED AT 2813 TIERRA DORADA BLVD., BEING LOT 3, BLOCK 4, TIERRA DORADA PH. II, AS REQUESTED BY ALFONSO & MARIA G. HERNANDEZ**

Ms. Dimas stated that the subject site is located approximately 153' east of Schuerbach Road along the south side of Tierra Dorada Blvd. The lot measures 65' x 115' for a total 7,475 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 14'x32' carport that is encroaching to the east side setback; 2) a 21'x12' storage room that is encroaching into the west side and rear setback; 3) a 24'x21' carport that is

encroaching into the east side and rear setback, 4) a 164 sq.ft. palapa that is encroaching into the rear setback; and 5) to allow 1,070 sq.ft. over the maximum allowed 800 (this is including a 16'x18' canopy attached on the rear of the home). All of these structures were built without their proper permits. Staff notes that on 10/26/22, the applicant obtained a permit for a front porch, thus being the only permit on record other than the building permit for the construction of the home with the trades.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that total living area of the home is 1,814 sq. ft.

Staff notes that ZBA has approved the following variances:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 13, Block 10	5' side setback	11/9/99	Approved
Lot 11, Block 11	3' side setback	1/9/01	Denied
Lot 13, Block 16	3' side setback & 4' rear setback	12/12/00	Denied
Lot 3, Block 22	3' side setback	6/17/09	Denied
Lot 10, Block 13	2' side setback	10/20/10	Approved
Lot 12, Block 5	4' side setback	9/19/18	Approved
Lot 12, Block 5	0' side setback	11/14/18	Denied
Lot 12, Block 5	4' side setback & 14' front setback	2/20/19	Approved
Lot 10, Block 11	1' side setback & 3.6" rear setback	9/15/21	Denied
Lot 10, Block 28	2' side setback & 1' rear setback	7/19/23	Approved
Lot 10, Block 12	7' rear setback	9/20/23	Approved
Lot 5, Block 10	0' side setback & 0' rear setback	9/20/23	Approved

Staff mailed out 27 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Since the lot is not unique in shape and the violation were self-inflicted, staff cannot support the request.

**RECOMMENDATION:** Staff recommends denial. The structures need to be modified and/or removed to comply with the required setbacks and square footage allowed.

Chairman Alberto Salazar asked if the board had any questions for staff.

Mr. Andrew Riddle asked that if the property had any utility easements?

Ms. Dimas stated yes, there is a 10' utility easement in the rear.

Mr. Andrew Riddle asked that if a structure can be underneath power lines.

Mr. Alex Hernandez stated "no".

Chairman Alberto Salazar asked if there were any input in favor or against the request.

Mrs. Maria Briones was present. She stated that the structures were built more than 20 years ago.

Chairman Alberto Salazar asked if the storage shed was permanent?

Mrs. Maria Briones stated the little grey house?

Chairman Alberto Salazar stated "yes"

Mrs. Maria Briones stated that it can be moved.

Chairman Andrew Riddle entertained a motion to close the public hearing. Mr. Flores moved to close the public hearing. Mr. Riddle seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. Andrew Riddle moved to deny the variance request based on the utility encroachment and being underneath power lines. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

### **ITEM #1.3**

**TO KEEP A 0' WEST SIDE SETBACK; A 2' EAST SIDE SETBACK INSTEAD OF THE REQUIRED 6'; A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO KEEP A TOTAL OF 1,554 SQ. FT. INSTEAD OF 800 SQ. FT. MAXIMUM ALLOWED AT 1003 DATE LANE, BEING LOT 2, BLOCK 1, PALMERAS VILLAGE, AS REQUESTED BY JUANA ULLOA**

Ms. Dimas stated that the subject site is located approximately 70' east of S. Palma Avenue along the north side of Date Lane. The lot measures 60' x 122' for a total 7,320 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 60'x17' carport, 2) 12'x25' patio, 3) 13'x18' shed, and 4) to allow 754 sq.ft. over the maximum 800 sq.ft.; which were built without obtaining the proper permits. Staff notes that the applicant did obtain a building permit for the patio in 2020 where the side setback was allowed to be at 4' based on Ord.#4963, which no longer exists. Staff at that time, met with the applicant and explained the reason the requirement was in place and advised that any new construction required a building permit. It is noted that now the roof of the patio has been extended up to the property line enclosing an electrical pole, which is a safety violation.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less

than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that total living area of the home is 1,565 sq. ft.

Staff notes that ZBA has not approved any variances in this subdivision.

Staff mailed out 24 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up we haven't received any comments in favor or against the request. Staff notes that the applicant even included the utility pole as part of the carport, which is a fire hazard. Since the lot is not unique in shape and the violation was self-inflicted, staff cannot support the request.

**RECOMMENDATION:** Staff recommends denial. The structures need to be modified and/or removed to comply with the required setbacks and square footage allowed.

Chairman Alberto Salazar asked if the board had any questions for staff.

Chairman Alberto Salazar asked staff if a permit was obtained?

Ms. Dimas stated that a permit was obtained for the patio. She mentioned that back in 2020 the city had an ordinance that allowed you to leave 4' on the side but the city removed that ordinance. She added that the patio was extended all the way to the property line.

Mr. Alberto Salazar asked that if a permit was in file for the 4' from property line.

Ms. Dimas stated yes, there is a permit on file with a 4' side setback.

Chairman Alberto Salazar asked if there were any input in favor or against the request.

Mr. Robert Ulloa was present. He stated that when he got the permit for the patio they told him that as long as the poles were at 4' the roof can be overhanded.

Ms. Dimas stated that the poles are attached to the fence.

Mr. Roberto Ulloa stated that it was a gutter.

Mr. Robert Ulloa stated that the big carport was built after the storm we had. He added that he heard in the news that a permit wasn't needed to build anything.

Chairman Alberto Salazar asked for clarification on the comment Mr. Ulloa had made on no permits needed to build.

Ms. Dimas stated that the only permits that were waived were for roof repairs, and fences. She added that an application needed to be submitted to have in file but the fees were waived.

Mr. Robert Ulloa stated that maybe he misunderstood. He mentioned that they weren't specific on the type of permits. He added that in reference to the pole he spoke to AEP and AEP is moving it.

Mr. Marty Gonzalez asked that if Mr. Ulloa had something in writing stating that AEP was moving the pole.

Mr. Robert Ulloa stated yes, I can bring something in writing. He added that AEP provides you with a number.

Mr. Andrew Riddle asked that if the shed was on foundation.

Mr. Robert Ulloa stated no, that shed has been there for 20 years.

Mr. Marty Gonzalez asked what was stored in the shed.

Mr. Robert Ulloa stated that it was a shed to store tools. He added that it looks new because he just painted it.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Andrew Riddle stated he will go one item at a time.

The structure being in question is 13x8 shed.

There being no further Chairman Alberto Salazar entertained a motion Mr. Riddle moved to approve the 13x8 shed subject to signing a hold harmless agreement.

City Attorney Mr. Victor Flores stated that the hold harmless only applies to the current owner. He added that if the owner would convey the property in the future the variance would still be there but there would be no way to enforce the hold harmless.

Mr. Andrew Riddle retracted the motion.

There being no further discussion Chairman Alberto Salazar entertained a motion Mr. Riddle moved to deny the 13x8 shed to be relocated. Mr. Marty Gonzalez second the motion. Upon a vote, the motion passed unanimously.

The second item being discussed is the side setback.

Chairman Alberto Salazar entertained a motion Mr. Riddle moved to deny the 2' side setback. Mr. Marty Gonzalez second the motion. Upon a vote, the motion passed unanimously.

The third item being discussed is the 60x17 carport.

Discussion amongst the board about the AEP pole.

Ms. Dimas stated that the carport was over the sq. ft. allowed. She added that if the carport would to be approved it could be enclosed at any time.

Chairman Alberto Salazar entertained a motion Mr. Salazar moved to deny the 60x17 carport. Mr. Gonzalez second the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.4**

**TO KEEP A 19" SIDE SETBACK INSTEAD OF THE REQUIRED 6'; A 4.7' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO KEEP A TOTAL OF 1,946 SQ.FT. INSTEAD OF THE 40% ALLOWED FOR LIVING AREA AT 1617 HERITAGE LANE, BEING LOT 9, BLOCK 1, GOLDEN CREST MANOR, AS REQUESTED BY ANWAR H. PEREZ**

Ms. Dimas stated that the subject site is located at the northwest corner of the cul-de-sac between Heritage Lane and Dr. Fernando Ortegón Dr. The irregular lot measures 118'x131.50' for a total 15,517 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 60'x23' carport/garage, which were built without obtaining the proper permits and 2) to allow 1,146 sq.ft. over the maximum sq.ft.

Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that total living area of the home is 2,954 sq. ft. (2954 x 40%=1,182)

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 1, Block 2	3' corner setback	8/14/01	Denied
Lot 17, Block 4	2' side setback & 6.6" rear setback	1/25/21	Approved
Lot 20, Block 4	0' side setback to the east; 1.3' side setback to the west & 0' rear setback	1/25/21	Denied
Lot 18, Block 4	3.6' side setback & 1' rear setback	3/3/21	Approved
Lots 21 & 22, Block 4	6.5' rear setback	3/3/21	Approved
Lot 6, Block 3	1' side setback & 10" rear setback	3/3/21	Approved
Lot 7, Block 3	4' side setback & 5' rear setback	3/3/21	Approved
Lot 6, Block 2	0' side setback & 0' rear setback	11/16/22	Approved

Staff mailed out 18 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Since it's a self-inflicted violation, staff recommends denial. The structures need to be modified and/or removed to comply with the required setbacks and square footage.

Chairman Alberto Salazar asked if the board had any questions for staff.

Mr. Andrew Riddle asked if the entry to the garage was through the rear of the property.

Ms. Dimas stated that most of them have an entry through the rear.

Mr. Anwar Perez was present. He stated that the structure was built in 2017. He mentioned that carport/garage is being used as a batting cage. He added that the contractor that was hired didn't obtain the proper permits.

Mr. Andrew Riddle asked if the garage had rear access.

Mr. Anwar Perez stated "no", the access is through the front.

Mr. Andrew Riddle asked what the back part of the structure was used for.

Mr. Anwar Perez stated that it was used to store some classic cars he has.

Chairman Andrew Riddle asked if there were any input in favor or against the request.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Heraclio Flores stated it's only a setback issue.

Mr. Andrew Riddle asked that if the property had any utility easements on the rear of the property?

Ms. Dimas stated that it was an old subdivision that the utility easements ran through the alley.

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to "table the variance request to obtain bids to remove or to comply with setbacks. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #1.5**

**TO KEEP A 0' FRONT SETBACK INSTEAD OF THE REQUIRED 20'; A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO KEEP A TOTAL OF 1,386 SQ. FT. INSTEAD OF 800 SQ. FT. MAXIMUM ALLOWED AT 3000 TULIPAN STREET, BEING LOT 51, TAURUS ESTATES NO. 3, AS REQUESTED BY OLGA MARTINEZ**

Ms. Dimas stated that the subject site is located approximately 234' south of Giselle Street along the east side of Tulipan Street. The lot measures 60' x 117.50' for a total 7,050 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 19.9' x 19.9' carport, 2) a 12'x12' storage shed, which were built without obtaining the proper permits; and to allow 587 sq.ft. over the maximum allowed.



Accessory structures are allowed on R-1 (Single Family Residential) lots, however, they need to meet the following requirements.

- d) An accessory use customarily related to a principal use authorized in this district. Furthermore, any non-living accessory structure, such as a carport or a garage, whether as an addition or as a detached building, shall not exceed a maximum size equal to 40% of the primary structure's living area; and shall not exceed the primary structure's total height, as measured to the top of its roof. However, if the primary structure's living area totals less than 2,000 square feet, the accessory structure may be constructed to a maximum size of 800 square feet. It is noted that total living area of the home is 1,252 sq. ft.

Staff notes that ZBA previously had approved the following:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 3	19.5' front setback	9/11/01	Approved

Staff mailed out 29 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request. Since the lot is not unique in shape and the violation was self-inflicted, staff cannot support the request.

**RECOMMENDATION:** Staff recommends denial. The structures need to be modified and/or removed to comply with the required setback and square footage.

Chairman Alberto Salazar asked if the board had any questions for staff.

There was none.

Mrs. Olga Martinez was present. She stated that the carport was built 8 years ago. She mentioned that the reason it was built was for her special need's child.

Chairman Andrew Riddle asked if there were any input in favor or against the request.

There was none.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Andrew Riddle stated for medical reasons what do we require from the doctor.

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to "table" the 19'9" x 19'9" carport to obtain medical records. Mr. Flores second the motion. Upon a vote, the motion passed unanimously.

The second item being discussed is a 12'x12' storage shed.

Chairman Alberto Salazar entertained a motion. Mr. Salazar moved to deny the 12'x12' storage shed. Mr. Flores second the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar entertained a motion to remove item 1.6 from the table. Mr. Riddle moved to remove item 1.6 from the table. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**TABLED**

**ITEM #1.6**

**TO KEEP A 2.3 SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND A 3.3' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 3805 SAN DANIEL STREET, BEING LOT 43, SHARYLAND PLANTATION VILLAGE LAS PALMAS DE REY, AS REQUESTED BY GILBERTO MERCADO**

Ms. Dimas stated that this item was previously tabled on September 20, 2023 in order to allow the property owner time to get with 811 to spot any utility lines within the property.

The subject site is located approximately 131' east of Santa Lorena Street along the north side of San Daniel Street. The lot measures 60' x 110' for a total 6,600 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: a 17'x9' pergola and an 18'x22' patio with an outdoor kitchen, which were built without obtaining the proper permits during covid. These violations were discovered by the Code Enforcement Division when doing a sweep in the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lots 1, 10 & 11, 28 & 29, 34 & 35, 40 & 41, and 70	10' corner setback	5/9/00	Approved

Staff mailed out 36 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks.

Chairman Alberto Salazar asked if the board had any questions for staff.

Mr. Andrew Riddle asked if the HOA was present?

Ms. Dimas stated that the HOA was present. She added that the HOA sent Ms. De Luna an email stating that the owner submitted plans to modify the pergola. On September 14<sup>th</sup>, the Pergola is approved with the relocation of columns to be 6' from the side property line and adding the cantilever. The concrete needs to be reduced so that it is not in the setback unless the City of Mission approves as installed. She added that the patio cover with outdoor kitchen has been denied on August 10<sup>th</sup> due to the location and the materials. It was suggested to the owner that materials be added to the outdoor kitchen so that it matches the house. On September 28<sup>th</sup> the Committee reviewed the plans to add brick to the chimney and the metal column. The Committee has tabled this request pending the outcome of the ZBA meeting.

Mr. Gilberto Mercado was present. He stated that the last time he was present there was a suggestion to call 811. He added that 811 went out to his property and didn't find any utilities

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to approve the 17' x 9 pergola. Mr. Flores seconded the motion. Since it was a 3-1 vote, the motion dies.

Chairman Alberto Salazar entertained a motion to remove Item 1.7 from the table. Mr. Riddle moved to remove Item 1.7 from the table. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

**TABLED**

**ITEM #1.7**

**TO KEEP A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 5' AND A 4.8' REAR SETBACK INSTEAD OF THE REQUIRED 12' AT 3705 SAN RODRIGO STREET, BEING LOT 8, SHARYLAND PLANTATION VILLAGE LAS PALMAS DEL REY, AS REQUESTED BY EDUARDO HINOJOSA**

Ms. Dimas stated that this Item was previously tabled on September 20, 2023 In order to allow the property owner time to get with 811 to spot any utility lines within the property.

The subject site is located approximately 136' west of Santa Lorena Street along the north side of San Rodrigo Street. The lots measures 60' x 110' for a total 6,600 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 13'x30' pergola, which was built without obtaining the proper permits during covid. This violation was discovered by the Code Enforcement Division when doing a sweep in the area.

Staff notes that ZBA has considered the following variances within this subdivision.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lots 1, 10 & 11, 28 & 29, 34 & 35, 40 & 41, and 70	10' corner setback	5/9/00	Approved

Staff mailed out 36 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Since it's a self-inflicted violation, staff recommends denial. Structure need to be modified or removed to comply with the required setbacks.

Ms. Dimas stated that the HOA sent an email stating that the owner submitted plans for his project, and it was approved subject to the mesh cover must be removed. She added that must add decor detail to ends. Fence repair/addition must be lowered to the maximum height of six feet, six inches.

Chairman Alberto Salazar asked if the board had any questions for staff.

Mr. Eduardo Hinojosa was present. He stated that the previous time that he was seen, what was discussed were the poles that support his pergola were at 9 feet and the city requires 12. He added that if in the future the poles had to be removed he would. He mentioned that he called 811 and 811 marked his property.

Chairman Andrew Riddle asked if there were any input in favor or against the request.

Representing the HOA Ms. Gale Smith stated that it was approved subject to the mesh cover being removed. She added must add décor to ends.

Mr. Riddle asked if the flags were still on Mr. Hinojosa property or were they removed.

Ms. Dimas stated "yes". She added that Mr. Hinojosa stated that the flags were on the edge of the property and not under the pergola.

Mr. Riddle asked that if Mr. Hinojosa can show the board where exactly the flags were placed on his property.

Mr. Hinojosa pointed at the pictures staff presented.

Mr. Riddle stated that the flags were on the side setback.

Ms. Dimas stated that the utility easements run east and west which are along the pergola.

Chairman Alberto Salazar entertained a motion to close the public hearing. Mr. Riddle moved to close the public hearing. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Alberto Salazar asked City Attorney Mr. Victor Flores that if the item were to be approved the applicant would be able to build over it.

City Attorney Mr. Victor Flores stated "yes" that is correct.

Mr. Riddle stated that he wanted to approve the pergola but he didn't know if the lines ran under the pergola.

First item being discussed is the deck.

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to deny the deck. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

Second item being discussed is a 13x30 pergola.

Chairman Alberto Salazar entertained a motion. Mr. Riddle moved to approve the 13x30 pergola. Mr. Gonzalez seconded the motion. Since it was a 3-1 vote, the motion dies.

Chairman Alberto Salazar entertained a motion to remove Item 1.8 from the table. Mr. Riddle moved to remove Item 1.8 from the table. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously.

**TABLED**

**ITEM #1.8**

**TO KEEP A 0' CORNER SIDE SETBACK INSTEAD OF THE REQUIRED 10', 0' SIDE SETBACK INSTEAD OF THE REQUIRED 5', AND A 2' REAR SETBACK INSTEAD OF THE REQUIRED 12' U.E. AT 3709 SAN RODRIGO, BEING LOT 10, SHARYLAND PLANTATION VILLAGE LAS PALMAS DEL REY, AS REQUESTED BY LUIS VERDIGUEL**

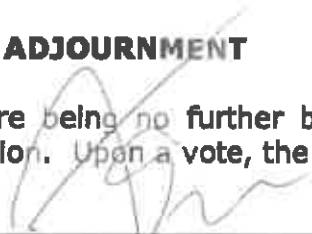
No Action was taken

## **2.0 OTHER BUSINESS**

There was none.

## **3.0 ADJOURNMENT**

There being no further business, Mr. Salazar moved to adjourn. Mr. Gonzalez seconded the motion. Upon a vote, the motion passed unanimously at 6:16 p.m.



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Alberto Salazar, Chairman  
Zoning Board of Adjustments



**KEEP MISSION  
BEAUTIFUL BEAUTIFICATION  
COMMITTEE REGULAR MEETING  
MISSION CITY HALL  
DECEMBER 12, 2023 at 5:45 PM**

**MINUTES**

**MEMBERS PRESENT:**

Mario Cantu  
Lisa Salinas  
Lucille Cavazos

**ABSENT:**

Robert Trevino  
Gavino Garza

**STAFF PRESENT:**

Anais Chapa, Assistant City Secretary  
Yaritza Peña, Administrative Coordinator  
Laura Ojeda, Administrative Assistant  
Roel Mendiola, Sanitation Director  
Brad Bentsen, Parks & Rec Director  
Pete Lopez, Parks Supervisor

**REGULAR MEETING**

**CALL TO ORDER AND ESTABLISH QUORUM**

With a quorum being present, Anais Chapa, Assistant City Secretary, called the meeting to order at 5:44 p.m.

**APPROVAL OF MINUTES – October 17, 2023**

Members took a few minutes to review the minutes from the meeting held on October 17, 2023 meeting. Mr. Mario Cantu moved to approve the minutes as presented. Motion was seconded by Ms. Lisa Salinas and approved unanimously 3-0.

**A. Discussion of collaboration with CDBG for the “Paint Mission Beautiful” Project**

Mr. Roel Mendiola, Sanitation Director, began discussion on this item by presenting a packet. The packet included a “Paint Mission Beautiful” application form, a check list of supplies needed and a waiver for volunteers to sign. Mr. Mendiola stated that it was projected to begin this program in April. It was asked what the process would be. Mr. Mendiola stated that the CDBG department would be the ones reviewing the applications to see if residents qualify. Upon review by CDBG, and acceptance, then we would go out to inspect/prep the home one weekend and get volunteers to paint it the following weekend. Program would be advertised mostly through CDGB. They would reach out to previous applicants who did not qualify for state/federal programs. They would also be able to advertise through ADV, AAA, and Silver Ribbon. Another concern was the supplies. Mr. Mendiola stated that the city would take care of purchasing supplies. Ms. Lisa Salinas suggested that we put together a sponsorship proposal and maybe reach out to banks and businesses to see if they would like to sponsor a home. Ms. Salinas also stated that the disclaimer be added that the homeowners have no intention of selling the home within 24 months.

**B. Discussion on setting a timeline for the “Our Texas, Our Future” Grant Project**

Discussion began on this item by asking when the best time would be to plant the citrus trees at the Speer Memorial Library. The project deadline was set for sometime in late May or

June. Ms. Cavazos said the best time to plant the citrus trees would be during the spring time. She suggested either late February or early March. Mr. Bentsen agreed saying that we should aim for the last week of February if weather permits. Then it was mentioned that spring break was in March and many students would probably be out of town. Upon much discussion, it was decided to set April 13<sup>th</sup> as the tentative date for the educational course and tree planting event.

Ms. Cavazos moved to set April 13<sup>th</sup> as the tentative date for the educational course and tree planting event at the Speer Memorial Library. Motion was seconded by Ms. Salinas and approved unanimously 3-0.

**C. Discussion and action on setting a timeline for all upcoming projects.**

There are several projects that we have in the works which have not been started yet. It was important to start setting dates for these projects so that we can get organized and start making our presence known within our community. Mr. Mendiola stated that we needed to be setting dates and moving forward with all projects. Ms. Salinas asked if it would be possible to designate a "Keep Mission Beautiful" Day within the city of Mission. It was suggested that we do this some time in April in conjunction with Earth Day. Ms. Cavazos stated that she would like to complete the project off Kika de la Garza loop (the median in front of Lion's Park). Brad said he needs to see about adding irrigation to the area first. The goal was to get this project going in the latter part of March.

**D. Discussion and action on participation in upcoming events.**

At the moment, there weren't any upcoming events that we could participate in. The only thing coming up in January was the Texas Citrus Fiesta Parade. It was suggested that we create a float of recycled materials to enter into the parade; however, the time frame was cutting it short. It was stated that next year, we could partner with schools to create a float made of recycled materials to be entered into the Texas Citrus Fiesta parade. As events were coming up, we would notify the board.

**DATE AND TIME OF NEXT MEETING**

The next meeting will be held on January 9<sup>th</sup> at 5:45 p.m.

**CHAIRMAN'S COMMENTS**

Mr. Cantu thanked Ms. Cavazos for hosting the meeting.

**MEMBER'S COMMENTS**

All members thanks Ms. Cavazos for her hospitality and for hosting our meeting. Ms. Cavazos also stated that she felt we were gaining momentum and was looking forward to seeing what we could do as a group.

**ADJOURNMENT**

At 6:31 p.m., Ms. Cavazos moved to adjourn the meeting. Motion was seconded by Ms. Salinas and approved unanimously 3-0.

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Mario Cantu, Chairman