

SHARY GOLF ADVISORY BOARD

June 5th, 2024

MINUTES

- I. Call To Order**
- Mr. Isaac Martinez called the meeting to order.
- II. Roll Call**
- The following board members were present: Isaac Martinez, Ben Lau, Toby Garza, Joe Salinas.
 - The following board members were absent: Carlo Garza, Martin Flores, Javier Barrera
 - The following staff members were present: Michael Fernuik, Golf Director, Andy Garcia ACM, Norie Garza City of Mission Mayor.
- III. Approval of Minutes**
- The minutes from May 8th, 2024 were approved as written. Motion made to accept Ben Lau, seconded Toby Garza, approved unanimously.
- IV. Old Business**
- None.
- V. Golf Director's Report**
- Revenue report May 2024 comparing to 2023
Revenues were \$85,183.93 vs \$77,603.95 in 2023. Increase mostly due to green fees, cart fees. Rounds of golf were 3245 vs 2023. Revenue numbers that were supplied came from the POS monthly report.
 - Monday Night League
Monday Night League Standings as of 5/31/2024 were included in the packet. Participation has dropped off on Monday Night so it was discussed to move the flights from Monday Night to Tuesday Night with the 3 other flights. This will allow the players winning weekly to be promoted into different flights. Ben Lau mentioned that there should be a deadline to sign up. A flyer is to be made to tell the Monday Night Participants about the day change and sign up deadline. A lengthy discussion followed about the appreciation of the Tuesday Night Flights and their players and possible periodic format changes.
 - Report on Water Well Project
Staff discussed meeting with George Alvarez who has a water well drilling company. Topics included water well location, equipment needed to drill and access to the drill site. Which would be located next to the existing pump station. Also, discussed was the quantity of water that goes out on a nightly basis to the golf course so it could be determined if the quantity of well water would produce enough. No pricing was discussed because of the uncertainty of the pump and pipe size that could be needed. It was suggested we get the water tested, so once the well is drilled and starts producing water it could be compared to see if it is similar to what we have. At the end of the meeting, Mr. Alvarez was going to collect information on existing wells around a ten-mile radius and would get back to us with his findings.
 - Status of Capital Outlay for Golf Course Equipment
Staff updated the board on the delivery time frame regarding the 3 pieces of equipment. The estimated delivery date meaning the release day from the factory is October 8th, 2024. Transit time down to Shary GC would be another 3 to 4 weeks making the expected delivery the first or second week of November.
 - Golf Directors report as presented was unanimously approved.
- VI. New Business**
- Junior Summer Program kicked off June 4th. Early indication is that the numbers are down from 2023. Attributing factors are more individuals involved in this space with better student to teacher ratio. Parents have discovered this and are shopping around.

The junior summer golf tournament schedule is still moving forward at area public golf courses.

- Andy Garcia, ACM brought up the discussions that have been happening on what the city wants to do with holes 19 to 27. Isaac Martinez mentioned it was given to the city by the oblates and that the City of Mission have been after that area for years. This is probably located in the City's archives. Getting rid of those holes would not be a cost savings as much as people think. More of a revenue loser. Other cities have invested in their golf facilities, so why can't Mission do the same. Ben Lau reiterated the point of it being more of a potential revenue loser for the golf course. A lot of 9-hole winter leagues use it and both school districts (School districts pay a fee) use it to practice on. A lengthy discussion followed as it pertains to the financial condition of the golf course and the expected cost savings. Andy Garcia ACM wants to see the golf course break even and the city only invest in the needed capital outlay. He knows this will not happen overnight.
- Mayor Norie recommended that a subcommittee be formed consisting of those board members present Ben Lau, Toby Garza, and Joe Salinas to give input to Michael Fernuik, Golf Director to assist with a 5-year budget projection.
- A lengthy discussion ensued regarding the facilities and the operations within the golf department. Specifically, the starter shack usage, driving range potential maintenance building and golf course equipment security.

VII. Public Participation

- None

VIII. Chairman's Comments

- None

IX. Adjournment

- Meeting was adjourned at 7:30pm.

PLANNING AND ZONING COMMISSION
MARCH 13, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

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

P&Z ABSENT

Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Mumoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT

Margarito & Ramona Salas
Carla & Javier Mayer
Juan Angel Rivera
Loreida Lopez
Mario Reyna
Oscar Cantu

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 28, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 28, 2024. Ms. Austin moved to approve the minutes. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:34 p.m.

Item #1.1

Rezoning:

**Tract 1, being the West 100' of the
South 105' of the South 210' of the
East 630' of Lot 30-12,
West Addition to Sharyland
AO-I to R-1A
Margarito & Ramona Salas**

No Action.

Started: 5:36 p.m.

Ended: 5:38 p.m.

Item #1.2

Conditional Use Permit:

**Drive-Thru Service Window – Dona Dulce Tortilleria
1702 E. Griffin Parkway, Ste. A
Being a 0.166 of an acre tract of land being out of and
forming a part of Lot 8B, Plat of Lots 8A, 8B, & 8C,
Stewart Village, Phase I
C-3
Dona Dulce Tortilleria
c/o Dulce De Anda**

Ms. De Luna went over the write-up stating the site is located near the SE corner of Stewart and F.M. 495 at the Stewart Village Commercial Plaza. The applicant is leasing a 624 sq.ft. suite within the commercial plaza for a torilleria and would like to add a drive-thru window on the north side of the building. Access to the drive-thru service window would be off of East Griffin Parkway making an immediate right turn to the window. Customers will place the order in the window and will be directed to wait in the designated curbside parking stalls or just pick-up and leave. The dumpsters will have to be relocated to allow the use of the parking spaces.

- **Days/Hours of Operation:** Monday – Saturday from 7am to 9pm and Sunday from 5 am to 8 pm
- **Staff:** 6 employees
- **Parking & Landscaping:** Based on the square footage of the suite, there are 5 parking spaces required. It is noted that the parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping complies to code.
- **Menu:** Tortillas, breakfast and lunch tacos, guisados 100% caseros, barbacoa and chicharrones on Saturdays & Sundays

Review Comments: Staff mailed out 22 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Staff cannot support this request for the following reasons: 1) not enough maneuvering space, 2) incoming traffic would be blocked, and 3) not enough room for cars to back out of curbside stalls. Staff notes that on August 23, 2021 the City Council considered the same request for La Cruda Restaurant at this specific location and it was denied.

RECOMMENDATION: Staff recommends denial.

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. Garza moved to close the public hearing. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 5:38 p.m.

Ended: 5:41 p.m.

Item #1.3

Conditional Use Permit:

**Drive-Thru Service Windows – Taquero Mucho
3501 N. Conway Avenue, Ste. 15
Lot 2, IHOP Subdivision
C-3
Taquero Mucho, LLC**

Ms. De Luna went over the write-up stating the site is approximately 1,355' north of Mile 2 Road along the west side of Conway Avenue. The applicant is leasing a 2,698 sq.ft. building for the proposed taqueria which will include an outdoor terrace and would like to add drive-thru windows on the east and west side of the building. Access to the drive-thru service windows would be off of Conway Avenue via a 24' driveway. They would place the order on the west side of the building and pick up the order on the east side. The drive-thru window's location allows stacking for approximately 2 vehicles.

- **Days/Hours of Operation:** Sunday – Thursday from 11am to 1am and Friday & Saturday from 11 am to 4 am
- **Staff:** 15 employees
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 23 tables with 4 chairs each for a total of 92 seating spaces proposed, which would require 31 parking spaces. (1 parking space for every 3 seats = 30.6). It is noted that the parking spaces are held in common for this commercial. There is a total of 130 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.

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

RECOMMENDATION: Staff recommends approval subject to:

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

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

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

Started: 5:41 p.m.

Ended: 5:43 p.m.

Item #1.4

Conditional Use Permit:

**Drive-Thru Service Window - Kayala Coffee Company
2138 E. Griffin Parkway
Lot 20, Block 2, Springfield Ph. I Commercial Subdivision
C-3
Juan Angel Rivera III**

Ms. De Luna went over the write-up stating the site is located on the southwest corner of Helen Avenue and E. Griffin Parkway along the south side of Griffin Parkway. The applicant would like to reapply for the conditional use permit to continue using the existing drive-thru service window for this coffee shop. The site has an access point off of Helen Avenue. Drive-thru customers use the Helen Avenue access in order to utilize the drive-thru service window and exit either to the parking lot or Helen Avenue. The location of the window allows enough stacking for at least 3 vehicles. The last CUP approved for this location was on December 12, 2022 for a period of 1 year.

- **Days/hours of operation:** Monday – Friday from 6:30 a.m. – 4:30 p.m., closed on Saturday & Sunday
- **Staff:** 3 employees
- **Parking:** It is noted that the parking area is held in common (76 existing parking spaces) and will be shared with other businesses. Based on the square footage of the building this business requires 7 parking spaces, thus meeting code.
- **Landscaping:** Landscaping requirements are being met.
- **Menu:** coffee, teas, breakfast and lunch croissants

Review Comments: Staff notes that this business has been in existence since August 2020 with no complaints, however there have been different owners and that the reason it has been reconsidered several times. Staff mailed out 20 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Since there have been no complaints, staff does not object to a longer CUP tenure for this business.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 3 year re-evaluation to continue to assess this business,
- 2.) Continued compliance with all City Codes (Building, Fire, Health, etc.), and
- 3.) 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 entertained a motion to close the public hearing. Mr. Villarreal moved to close the public hearing. Ms. Austin seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 5:43 p.m.

Ended: 5:45 p.m.

Item #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages – Villa Del Mar Restaurant #1
207 E. Interstate Highway 2
Lot 3, El Pueblo Ph. II Subdivision
C-3
VIGA Restaurant Inc.**

Ms. De Luna went over the write-up stating the subject site is located within a commercial plaza approximately 600' east of Conway Avenue along the north side of the Frontage Road of Interstate Highway 2. Villa Del Mar has been operating and selling alcohol at this location since October 2010. The applicant would like to reapply for the 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 6th time this request has been considered and approved.

- **Hours of operation:** Monday - Sunday from 11am to 9 pm
- **Employees:** 15 employees in different shifts
- **Parking:** There are 194 total seating spaces for the restaurant, which requires 65 parking spaces (194 total seating spaces/3 = 65 parking spaces). It is noted that the parking area is held in common (225

existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to existing, interlocking parking lots. Staff notes that the parking lot has recently been resurfaced and re-stripped.

- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residence within the 300' radius, however P&Z and City Council have waived this requirement for a similar business in this plaza.

REVIEW COMMENTS: The hours of operation are consistent with other family restaurant in the area. A total of 17 notices were mailed out to property owners within 200' of the restaurant. As of this time of the writing, staff has not received any calls in favor or against the CUP request. Staff does not object to a longer CUP tenure for this business.

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

- 1) Waiver of 300' separation requirement from residential neighborhoods,
- 2) Continued compliance with all City Codes (Fire, Health, Bldg., etc.), and
- 3) CUP not transferable to others

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

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

Started: 5:45 p.m.

Ended: 5:45 p.m.

Item #2.0

Homestead Exemption

Variance:

**Tract 1, being the West 100' of the South 105'
of the South 210' of the East 630' of
Lot 30-12, West Addition to Sharyland
AO-I (Proposed R-A)
Margarito Salas**

No Action.

Started: 5:45 p.m.

Ended: 5:46 p.m.

Item #2.1

Preliminary & Final

Plat Approval:

**De Leon Zamora Subdivision
A 10.0 acre tract of land, more or less,
out of Lot 34-6, John H. Shary Subdivision
Suburban E.T.J.
Developer: Jose A De Leon & Erik Zamora
Engineer: Urban Infrastructure Group, Inc.**

Mr. Ramirez went over the write-up stating the subject site is located at a distance approximately 2,150' north of the intersection of West Mile 3 Rd. and S.H. 107 (Mission Suburban ETJ). The De Leon Zamora Subdivision is a proposed twenty-six (26) lot subdivision. The subdivision will have 24 multi-family

residential lots, 2 commercial lots, and 2 detention ponds. — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corp (SWSC). The developer is proposing to connect to an existing water line located along the west side of S.H. 107 and extend into the subdivision with a 6" main line to provide water service to each lot. There are 3 fire hydrants proposed to be used as filling stations via direction of the Fire Marshal's office.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing manhole on the west side of S.H. 107. The sewer CCN does not belong to the City of Mission and will be collected by the City of McAllen.

STREETS & STORM DRAINAGE

The subdivision will have 1 street with access from S.H. 107 and end at a cul-de-sac. The street will have a 50' ROW and turn-around at the mid-point. The design will include a proposed 32' B-B paved street complete with curb & gutter.

The site lies within a Flood Zone "A" and "C" as seen on the FEMA Community Panel No. 480334 0400 C. The runoff detention volume to contain the 50-yr frequency storm event while releasing at a 10-yr frequency storm event is approximately 34,281 cu. ft. or 0.787 acre-foot. It is proposed that the flow will be controlled using an outlet box with a 10" orifice at elevation 158.42 and a 1.0' wide weir at the elevation 160.40. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to meeting the Model Subdivision Rules and meeting any comments from the County Planning Department.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Started: 5:46 p.m.

Ended: 5:52 p.m.

Item #2.2

Preliminary & Final

Plat Approval:

Mayfair at Trinity (Private Subdivision)

A 27.272-acre tract of land out of Lot 15-11,

West Addition to Sharyland and out of Lots 1 and 4,

and all of Lots 2 and 3, Rees Subdivision

R-1

Developer: Dolcan Development, Inc.

Engineer: Melden & Hunt, Inc.

Mr. Ramirez went over the write-up stating the subject site is located on the northeast corner of Bryan Rd. and Trinity Street. The land is currently open with a proposed use of 77 single family residential lots, 1 commercial lot, and 1 detention pond. This subdivision will be private therefore shall comply with policies and regulations per city ordinance. - see plat for actual dimensions, square footages, and land uses.

VARIANCE 1

The developer is requesting to have a 5' side setback on all internal lots whereas the city standard is 6'.

VARIANCE 2

The developer is requesting to utilize the following street names Delwood, Derby, Dulce, Dolores, Drift, and Dolcan Street instead of the existing names in alignment with the City's grid.

WATER

Water will be supplied through an 8" PVC line running to and through the development which will be looped by connecting to an existing 8" line to the west along Bryan Rd. and to the south along the south ROW of Trinity Street. This will allow 1" water services to each lot. There are 9 proposed fire hydrants for this project via direction of the Fire Marshal's office. – see utility plan

SEWER

The sanitary sewer line will connect to an existing 12" line along and within the east R.O.W of Bryan Rd. A proposed 12" Sanitary Sewer main will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee will be applied at \$200.00/Lot which equates to \$15,400.00 (\$200 x 77 Lots).

STREETS & STORM DRAINAGE

The subdivision will have access from Bryan Rd. through a 50' ROW and from Trinity St. by proposed 60' ROW streets. All internal streets will also be 50' ROWs complete with curb & gutters to comply with all city standards.

This subdivision lies in flood zone "B" per FEMA Community Panel No. 480334 0400 C. In accordance with the City of Mission drainage policy, the peak rate of runoff in this subdivision will not be increased during 50-yr rainfall event due to the building of this subdivision. Therefore, the required 203,751 cubic feet of detention will be provided. Lot 78 shall accommodate a total of 62,651 cubic feet at the building permit stage. The remainder of the 141,100 shall be provided within the proposed detention pond. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

- Payment of Park fees (77 Lots x \$500 = \$38,500.00)
- Installation of Street Lighting as per City Standards
- Water District Exclusion
- Must comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees
2. Payment of Park Fees
3. Provide Water District Exclusion
4. Approval of Variance 1 to have 5' internal side setbacks, and
5. Denial of Variance 2 to use suggested street names requested by the owner vs. the City's continued and aligned existing street names as noted on the Code of Ordinances / Chapter 98 - SUBDIVISIONS, Sec. 98-134. - Streets. (n) Street names.

Chairwoman Izaguirre asked if the board had any questions.

Chairwoman Izaguirre asked staff why the denial of the variance two if it's going to be private.

Mr. Ramirez states regardless of the subdivision being private we are still following the grid system that is also being acknowledged by 911 department and by the post office.

Chairwoman Izaguirre asks if the engineer was present.

Mr. Ramirez answers the engineer is present.

Chairwoman Izaguirre asks if she could ask the Engineer some questions.

Mario Reyna with Meldan Hunt greets Chairwoman Izaguirre and Board members. Mr. Reyna states for the record he is happy to answer your questions and may add a little bit.

Chairwoman Izaguirre states the denial from Staff Recommendation. Chairwoman Izaguirre asks Mr. Reyna would 911 grant them different name.

Mr. Reyna states he believes 911 wouldn't have an issue with it. He states if you look at the grid system throughout the city Colosio and Viejo lane doesn't exist anywhere else in the City of Mission this was Beto Salinas subdivision he picked those two names in our case he states they are a gated subdivision and they don't feel that those names are fitting for the type of product that they're going to provide.

Chairwoman Izaguirre asked Mr. Reyna if he has sent the names they picked out to 911 department.

Mr. Reyna response with no ma'am but he could do that.

Ms. Austin asks what are the names that they are wanting to pick.

Mr. Reyna replied the names are Debry and Dolcan. Mr. Reyna states that Dolcan is the name of the development company. He states if you look north everything is fully developed. These two names don't exist. When you look south you have one land owner which is Killams he believes they don't intend to use any of these names. They already have done subdivision designs down there. Mr. Reyna states that he believes that this would not adversely affect any city operations.

Chairwoman Izaguirre states that was her only question she asks if any of the board members had any questions. None had any questions they were all answered. Chairwoman Izaguirre asks what is variance number one.

Mr. Ramirez states that the variance number one is to have a 5' side setback instead of the standard 6'. Chairwoman Izaguirre asks if staff recommend approval for variance #1.

Mr. Ramirez states approval of variance #1 and denial of variance #2.

Chairwoman Izaguirre asks if the denial is based on the grid system?

Mr. Ramirez states yes, it's based on the grid system.

Chairwoman Izaguirre asks Mr. Ramirez if we made Malmaison luxe at Trinity put Travis even though it wasn't aligned.

Mr. Ramirez states he cannot answer that question for the subdivision since he was not a part of the project. Mr. Ramirez states that they are following the code as stated.

Chairwoman Izaguirre states that she believes since it's a gated subdivision they could put it. If 911 department doesn't have an issue with it she doesn't see why we should have an issue with it.

Ms. Austin asks we don't know if 911 would have an issue or, not right?

Chairwoman Izaguirre answers yes, they send stuff all the time to 911 department.

Mr. Hernandez greets Chairwoman Izaguirre he states 911 won't be able to approve this since it's on our city limits. They will approve anything outside the city limits even if it's in county area if its inside our city limits they have to give first approval then 911 can give approval.

Chairwoman Izaguirre asks Mr. Hernandez if they were to send it to 911 right now would they deny it.

Mr. Hernandez states he doesn't know usually they come to the planning department first then they send them to 911 department.

Chairwoman Izaguirre states it's up to City Council.

Mr. Reyna states he has done this a number of times in the past he that never had any incidents where they come back through mail or 911 or anyone with issues. He stated on Trinity and Stewart was the same developer. He states that they gave him his own street names that it's the one they are abutting to right now there hasn't been any issues. He states its fully built out and its existing subdivision also is a gated subdivision as well.

Chairwoman Izaguirre states yes, she doesn't see it affecting.

Mr. Reyna states the standard produce is you keep the same street name. He states they are unique street name and they would like not to keep them.

Chairwoman Izaguirre asks if anybody had any more questions.

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

ITEM#3.0

ADJOURMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to adjourn the meeting. Mr. Sanchez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:52 p.m.


Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
APRIL 3, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Steven Alaniz
Connie Garza
J.D Villarreal
Kevin Sanchez
Diana Izaguirre
Raquenel Austin
Omar Guevara
Jasen hardison

P&Z ABSENT

STAFF PRESENT

Susana De Luna
Jessica Munoz
Patricio Martinez
Irasema Dimas

GUEST PRESENT

Victor Anzaldua
Oailia Enriquez
Jullo Garcia
Beverly Risley
Martin Risley
Cesia Alfaro
Judith Ponce
Chris Burns

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:31 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR MARCH 13, 2024

Chairwoman Izaguirre asked if there were any corrections to the minutes for March 13, 2024. Mr. Guevara moved to approve the minutes. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:33 p.m.

Ended: 5:40 p.m.

Item #1.1

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Leonor Street being the 900 block of Leonor Street, approximately 0.25 of a mile west of the intersection of Inspiration Road and W. Business Hwy 83

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of the 900 Block of Leonor Street. This would be the 1st of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

Mr. Ruben De Jesus with Melden & Hunt Engineering stated that he was present to answer any questions.

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. Kevin Sanchez stated that if the estimated \$25,000 exceeded that amount was Killam Development responsible for those fees.

Mr. Ruben De Jose stated that those fees were design fees that the Union Pacific will do. He added that the proposal was given to the city.

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

Started: 5:40 p.m.

Ended: 6:12 p.m.

Item #1.2

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Los Indios Road being the 100 block of Los Indios Road, at the intersection of S. Conway Avenue and Los Indios Road

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of the 100 Block of Los Indios Road. This would be the 2nd of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

Mr. Victor Anzaldúa stated that he resides at 3739 Lopez Street. He asked that if this closure was going to be closed temporary or permanently.

Ms. De Luna stated that it would be closed permanently. She added that a new opening was going to be done further north of that property.

Mr. Victor Anzaldúa stated that his family had been living in that area for many years. He added that if there was any way to leave that road open.

Mrs. Leticia Trevino stated that she resides at 3736 Beatty Street. She asked that why can't the street that is being proposed be open further down through the other houses.

Chairwoman Izaguirre that the opening being proposed was on the north side.

Mrs. Leticia Trevino stated that there was a house further down that was used for construction. She added that why can't they use that location and leave Madero alone.

Mrs. Maria Ochoa who resides at 3731 La Lomita stated that what was the benefit for Madero residents by closing Los Indios. She added that by closing that street it would cause more traffic in that area. She mentioned that she was against the closure.

Mrs. Noemi Garza who resides at 4036 Garza Street stated that they were getting disportioned from Madero just to give them a bigger street. She mentioned that a lot of residences use Los Indios to go in and out.

Mrs. Melinda Perez who resides at 3937 La Lomita stated that she disagrees with the road closure.

Mr. Ruben De Jesus with Melden & Hunt stated that he had an exhibit that he would like to share with the audience. He added that the improvements that were being proposed were for the region not only for the new subdivision.

Chairwoman Izaguirre asked that what was the minimum distance between crossings that Union Pacific is requesting.

Mr. Ruben De Jesus stated that there wasn't a set distance. He added that what Union Pacific wanted to do was to limit the number of crossings.

Chairwoman Izaguirre stated that why can't you leave that crossing and add the new one.

Mr. Ruben De Jesus stated that what there were trying to do is have a centralized location.

Chairwoman Izaguirre stated that in regular subdivision, several exits onto the main road are required. She added that by doing the closure they would completely remove the exits to the main road.

Mr. Ruben De Jesus stated that Madero would stay with the full access to the main road on the south side. He mentioned that what was needed was one access to the main road which was limited by the Union Pacific crossing. He added that three openings had to be eliminated to get one access.

Mrs. Austin asked that what was the distance that the residents had to travel.

Mr. Ruben De Jesus stated a quarter of a mile. He added about a 2-minute drive.

Mr. Ruben De Jesus showed his exhibit to the audience.

Mrs. Austin stated that the new opening looks wider than the older one. She mentioned that it would provide better access for traffic.

Chairwoman Izaguirre asked that what was the reason that the existing Los Indios Road not be upgraded. She added is it because the water tower is in the way.

Mr. Ruben De Jesus stated that property belongs to the City of Mission.

Mrs. Garza asked that if that intersection would get closed. She added how many entrances would Madero have for emergency services.

Ms. De Luna stated that the south entrances would be used.

Chairwoman asked that what were the three crossing being closed.

Mr. Ruben De Jesus stated that it was the Leonor, the existing farm crossing where the current construction is being done, and Los Indios. He added that they tried looking for alternate locations but these were the best three to work with.

Mrs. Garza asked that if it was possible to do it on the existing crossing.

Mr. Ruben De Jesus stated that it became very limited to what needed to be done.

Discussion amongst the board in regards to alternate locations that could be closed.

Mr. Chris Burns with Killam Development stated that the Los Indios new crossing was established to be there to follow the alignment for the fara plan with the City of Mission and has been accepted through master plans.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Ms. Garza moved to "table" the request. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:12 p.m.

Ended: 6:14 p.m.

Item #1.3

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad of Farm Crossing at 3101 S. Conway Avenue being approximately 0.30 miles north of the intersection of S. Conway Avenue

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the closure of Farm Crossing at 3101 S. Conway Avenue. This would be the 3rd of 3 road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

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

Started: 6:14 p.m.

Ended: 6:17 p.m.

Item #1.4

Discussion and Action to Recommend to the City Council the opening of New Los Indios Parkway required by Union Pacific Railroad being approximately 0.25 miles north of the intersection of S. Conway Avenue and Los Indios Road

Ms. De Luna went over the write-up stating that On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. The request before the Board is to consider the opening of New Los Indios Parkway Railroad crossing.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

Mr. Ricardo Trevino who resides at 3736 Beatty Street stated that he was in favor of the request.

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

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

Started: 6:17 p.m.

Ended: 6:20 p.m.

Item #1.5

Rezoning:

**A tract of land containing 37.50 acres of land,
being part or portion of Lot 30-9,
West Addition to Sharyland
AO-1 to R-1
Carlos Garza**

Ms. De Luna went over the write-up stating the subject site is located 2 ½ mile north of Mayberry Road along the east side – see vicinity map.

SURROUNDING ZONES: N: Palmhurst City Limits
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Vacant
E: Vacant /Residential
W: Vacant /Residential
S: Vacant
Site: Vacant

FLUM: Low Density Residential (LD)

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

Staff mailed out 17 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff is recommending Approval.

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

Mrs. Jeanette Cavazos stated that she owned property in the area. She added that she was for the rezoning request.

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

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

Started: 6:20 p.m.

Ended: 6:21 p.m.

Item #1.6

Rezoning:

**A 1.00 acre tract of land out of
Lot 263, West Addition to Sharyland
AO-I to R-1A
Everardo P. Sustalta**

Ms. De Luna went over the write-up stating the subject site is located ¼ mile north of E. Griffin Parkway along the east side of Glasscock Road – see vicinity map.

SURROUNDING ZONES: N: R-1A – Large Lot Single Family Residential
E: R-1A – Large Lot Single Family Residential

W: R-1 – Single Family Residential
S: AO-1 – Agricultural Open Interim

EXISTING LAND USES:
N: Residential
E: Residential
W: Residential
S: Residential
Site: Residential

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, however it complies with the current surrounding land uses.

Staff mailed out 33 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff is recommending Approval.

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. 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. Mr. Hardison moved to approve the rezoning request. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:24 p.m.

Item #1.7

**Conditional Use Permit: Construct (5) Pickle Ball Courts – Incredible
2140 E. Business Highway 83
Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision
C-4
Felipe Cavazos**

Ms. De Luna went over the write-up stating the site is located 200' East of Ragland Road along the South side of E. Business Highway 83 —see vicinity map. In an effort to attract more business to his Facility the applicant is proposing to construct (5) outdoor Pickle Ball Courts measuring 56' x 124' behind the existing building. Access to the site will be via 2 driveways off of E. Business Highway 83. The site currently has a bowling alley and outdoor battling cages. It is noted that the applicant used to have a 60' climbing tower which has been removed and is now proposing the pickle ball courts.

- **Days/Hours of Operation:** Sunday – Saturday from 12 pm to 12 am

- **Parking & Landscaping:** the 30,312.00 sq.ft. facility has a total of 156 parking spaces. Landscaping is meeting code. He will need to add lighting for the proposed outdoor soccer Pickle Ball Courts.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.
- **Section 1.44- C-4 Heavy Commercial(3)(b)** states that "Amusement parks, circus or carnival grounds, commercial amusement or recreation development, or other temporary structures used for temporary purposes" are allowed with a Conditional Use Permit.

REVIEW COMMENTS: Staff mailed out 34 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

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

1. Compliance with all City Codes (Building, Fire, and Sign Codes),
2. Must comply with noise ordinance, and
3. CUP not transferable to others

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

Mrs. Beverly Risley stated that she had no problem with the pickle ball courts. She mentioned that she just wanted to make sure that a tall fence would be required. She added that if all the lights could face the pickle ball area.

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

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

Started: 6:24 p.m.

Ended: 6:26 p.m.

Item #1.8

Conditional Use Permit:

**Drive-Thru Service Windows – Matuul
2006 E. Griffin Parkway
Lot 2, Block 1, Springfield Ph. I Commercial
C-3
Judith A. Ponce**

Ms. De Luna went over the write-up stating the site is located on the southeast corner of E. Griffin Parkway (FM 495) and Glasscock Road (east of Circle K)—see vicinity map. The restaurant is part of an existing building wherein several businesses operate from. The applicant recently obtained a business license to open a Mexican restaurant but would like to add the drive-thru service to her business. The last CUP for the Drive-Thru Service Window was approved by P&Z on September 28, 2022 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to this site is off of Griffin Parkway (FM 495). All vehicles using the drive-thru service window must exit through the rear and back onto Glasscock.

Days/Hours of operation: Monday – Sunday from 7 am to 9pm

Staff: 8 employees will man this operation

Parking: There is a total of 72 seating spaces proposed, which require 24 parking spaces (72 seats/ 3 seats = 24 parking spaces). It is noted that the parking areas is held in common in this commercial plaza (40 parking spaces) and are shared with other businesses. Access to the common parking is derived off of two Ingress/egress points.

Landscaping: Landscaping already exists and exceeds the City's requirements.

REVIEW COMMENTS: Staff mailed out 27 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,
- 2) Compliance with all City Codes (Building, Health, Fire, etc.), and
- 3) 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 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 recommendation. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:26 p.m.

Ended: 6:28 p.m.

Item #1.9

Conditional Use Permit:

**Restaurant in a C-2 Zone – Le Petite Pastries
1821 N. Shary Road, Ste. 7
Lot 1, Bannworth Business Center
C-2
Cesla Alfaro**

Ms. De Luna went over the write-up stating the site is located along the west side of Shary Road between Village Drive and Mulberry Street. - **see vicinity map**. The applicant leased a 1,152 sq.ft. suite for her restaurant Le Petite Pastries. The applicant will be offering coffee, cookies, brownies, cheesecakes and others in her menu. The last CUP for a restaurant on this location was approved by P&Z on November 16, 2022 for a period of 1 year. Since the use is not transferable to others a new CUP must be considered. Access to the site is via a 30' access driveway off of Shary Road. The property is currently zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a conditional use permit.

Days/Hours of operation: Monday – Sunday from 7am to 8pm

Staff: 2 employees will man this operation

Parking: Based on the square footage of the suite, this restaurant requires 7 parking spaces. It is noted that the parking area is held in common there are 58 existing parking spaces shared with other businesses, thus meeting code.

REVIEW COMMENTS: Staff has considered other Restaurants in a C-2 zone without creating a negative impact to the surrounding areas. 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,
- 2) Compliance with all City Codes (Building, Health, Fire, etc.),
- 3) Acquisition of a business license, and
- 4) 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 entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara 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 recommendation. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:28 p.m.

Ended: 6:31 p.m.

Item #2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Las Tres Coquetas
515 N. Conway Avenue
Lot 10, Block 92, Mission Original Townsite
C-3
Jose Enriquez**

Ms. De Luna went over the write-up stating the site is located along the west side of Conway between 5th and 6th Street—see vicinity map. The applicant fenced in a 1,425 sq. ft. area along the south side of the building to add to the existing outdoor patio area. Access to the site can be from Conway or from the alley where there is a paved parking area. The applicant operates a bar and grill which offers alcohol with his meals. The last CUP for the sale & on-site consumption of alcohol at this location was approved on September 22, 2021 for a period of 2 years. Since the use is not transferable to others a new CUP must be considered.

- **Hours of Operation:** Wednesday from 2pm – 11pm; Thursday from 2pm – 12am; Friday & Saturday from 2pm – 1am; and Sunday from 3pm- 10pm. The restaurant will be closed on Monday and Tuesday
- **Staff:** 5
- **Parking:** In viewing the floor plan, there are 45 total seating spaces in the indoor area and 11 seating spaces for the outdoor patio area. Although they have a paved parking area off the rear alley, this falls within the central business district so the parking requirements are waived. Striping needs to be required.

- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be 300' from residential and institutional (church) areas. There are residential homes directly behind the alley that fall within the 300'. Guadalupe Catholic Church is outside the 300-foot radius since measurement is taken from front door to front door; P&Z and City Council waived this separation requirement in the CUP's previous approval.

REVIEW COMMENTS: The hours of operation are consistent with other family restaurants. We have approved similar CUP's along Conway without any issues just north at El Rodeo Restaurant. As of the time of this writing, staff had not received any calls in favor or against the CUP request. Staff mailed out 23 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) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, 2) Waiver of the 300' separation requirement from residential neighborhoods, 3) striping of the rear parking area, 4) Acquisition of a business license, and 5) 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 entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mr. Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 6:31 p.m.

Ended: 6:33 p.m.

Item #2.1

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Wing Snob
801 N. Shary Road, Ste. 100
Lot 1A, Mirabelle Subdivision
C-3
Montenegro, LLC
c/o Jullo Garcia**

Ms. De Luna went over the write-up stating the subject site is located approximately 600' south of E. Business Highway 83 along the west side of N. Shary Road. The applicant leased 1 suite totaling 2,101 sq. ft. within a commercial plaza for a wing restaurant and would like to offer alcoholic beverages with their meals. Access to the site is off a 25' driveway off of N. Shary Road and two 32' driveways off of Mirabelle Street.

- **Hours of Operation:** Monday – Thursday from 11am to 11pm, Friday, Saturday from 11am to 12am & Sunday from 12pm to 9pm.
- **Staff:** 15 employees in different shifts.

- **Parking:** In viewing the floor plan, there is a total of 40 seating spaces, which require 13 parking spaces (40 seats/1 space for every 3 seats = 13 parking spaces). It is noted that the parking area is held in common (135 existing parking spaces) and are shared with other businesses.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within the 300' radius, however P&Z and City Council have waived this requirement for other similar businesses.
- Compliance with all building, fire, health, noise, and sign codes.

REVIEW COMMENTS: Staff does not object to this proposal. Staff mailed out 23 notices to residents within 200' radius and as of this writing we have not had any calls or letters in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) CUP to be valid for a period of 2 years at which time the applicant will need to renew his CUP and TABC license, and 2) Waiver of the 300' separation requirement from residential neighborhoods

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. Mr. Hardison moved to close the public hearing. Mr. Guevara 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. Mr. Guevara the motion. Upon a vote, the motion passed unanimously.

Started: 6:33 p.m.

Ended: 6:35 p.m.

Item #2.2

Conditional Use Permit:

**Restaurant In a C-2 Zone – Don
Ponchitos Cafe #5, LLC
800 E. 1st Street
Lots 88 & 89, Mayberry Plaza UT No. 3
C-2
Jenny Hernandez**

Ms. De Luna went over the write-up stating the subject site is located at the SE corner of Mayberry Road and E. 1st Street—see vicinity map. The property currently has a commercial building with a nail shop within. The applicant intends to open a Mexican Restaurant on the property. The property is currently zoned Neighborhood Commercial (C-2 zone). Section 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2). The last CUP for the restaurant at this location was approved on March 3, 2023 for a period of 1 years.

- **Days/Hours of Operation:** Monday - Sunday from 7:00 a.m. to 10:00 p.m.
- **Number of Employees:** 3

- **Parking:** The restaurant will have a total of 44 seats which require 15 parking spaces (44 seats/3 = 14.6 spaces). Currently the property has a total of 17 parking spaces that are held in common with the other business. The applicant has submitted a written agreement from the adjoining businesses granting permission to utilize their parking.
- **Landscaping:** The site has minimal green space. Staff would ask for them to install additional landscaping and that once installed it be maintained and irrigated.
- Must comply with all Building, Fire, and Health Codes

REVIEW COMMENTS: P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. Staff mailed out 19 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) 3 yr. re-evaluation in order to assess this new operation, 2) Must comply with all City Codes (Building, Fire, etc.), and 3) CUP not transferable to others.

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

ITEM#3.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Mr. Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:35 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
APRIL 17, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

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

P&Z ABSENT

Connie Garza
Kevin Sanchez
Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez

GUEST PRESENT

Omar Ramon
San Juana E. Casas
Yolanda Casas Luna
Steve Marino
Robert Gonzalez
Alberto & Guadalupe
Ramon
George Davis
Dr. Harjap Nanva
Natalie Denise Davis
Loreida Lopez

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR APRIL 3, 2024

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for April 3, 2024. Mr. Omar Guevara moved to approve the minutes. Mr. J.D. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:32 p.m.

Ended: 5:33 p.m.

Item #1.1

Rezoning:

**Lot 103, Ala Blanca Subdivision out of Unit #3
R-1 to C-3
San Juana E. Casas & Yolanda Casas Luna**

Ms. Susie De Luna went over the write-up stating the subject site is located near the NW corner of Ala Blanca Avenue and Business Highway 83 (Loop 374).

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

EXISTING LAND USES: N: Residential
E: Commercial

W: Apartments
S: Acreage
Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The Future Land Use Map reflects a (GC) General Commercial land use, too; thus, C-3 was consistent to GC. With the widening of Business Highway 83, it seems that the C-3 proposal was a better land use at this location. Also, the C-3 proposal is consistent to area zonings and land uses along this arterial. Staff mailed 20 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

Chairwoman Ms. Diana Izaguirre stated on the recorded that Mr. Steven Alaniz arrived at the meeting at 5:32 pm

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 5:33 p.m.

Ended: 5:40 p.m.

Item #1.2

Rezoning: A 0.78 acre tract of land out of Lot 265,
John H. Shary Subdivision
AO-I to C-3
Guadalupe & Alberto Ramon

Ms. Susie De Luna went over the write-up stating the subject site is located approximately ¼ mile north of E. Griffin Parkway (FM 495) along the east side of Shary Road – see vicinity map.

SURROUNDING ZONES:

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

EXISTING LAND USES:

N:	Residence
E:	Vacant
W:	Residence
S:	Edinburg Main Canal ROW

Site: Residence

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map, however it complies with some of the surrounding land uses. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. The City Council has approved 3 commercial requests in the same area. 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 recommends approval.

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

Mr. Harjap Nanva lives at 2700 N. Shary Road, stated he is against the variance request because there are only single-family homes. He stated his property is next to the property. He stated all around is single family homes. He stated it will be disturbing all the single-family homes in the area.

Mr. J.D. Villarreal asked Ms. Susie De Luna if City Council had approved 3 other commercial establishments in the area?

Ms. Susie De Luna stated that City Council had approved the commercial zoning north of east 25th street was in 2020. The business further north on the east side of Shary Road was approved in 2018. The business on the west side on Shary Road was approved in 2017. She stated City Council approved those areas to commercial. She stated that is the reason why it's recommended to the Planning and Zoning board it recommending commercial because right across the street they have commercial zone.

Mr. J.D. Villarreal asked Ms. Susie De Luna if they are recommending for land use.

Ms. Susie De Luna stated that it was recommendation for Commercial zone a C-3.

Chairwoman Ms. Diana Izaguirre there is anyone else in favor?

Mr. Milo Salinas stated he is with M2 Engineering located at 1810 E. Griffin Parkway. He stated they originally brought the item to P&Z previously and he had retracted the item. He stated they were originally going to propose townhomes for the entire property but he was advised that it made more sense that they put commercial in the front. He stated he is proposing the commercial item in the front and his proposing townhouse in the rear the reason being because it's only 190' wide. He stated once you put a street in the middle you only have enough space to do residential townhouse, which are still single family homes. He states it's still up to \$275,000 in value. He stated there are similar ones on Shary Road just South of Mile 3 on the West side of the Road also there are some on Taylor road which he had worked on. He stated the reason they retracted their item last time in the P&Z meeting was to propose a commercial in the front and townhouse in the rear because that's what is able to be done on the property.

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

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to approve the rezoning request. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:40 p.m.

Ended: 5:51 p.m.

Item #1.3

Rezoning:

**A 4.06 acre tract of land out of Lot 265,
John H. Shary Subdivision
AO-I to R-1T
Guadalupe & Alberto Ramon**

Ms. Susie De Luna went over the write-up stating the site is located approximately ¼ mile north of E. Griffin Parkway (FM 495) along the east side of Shary Road – see vicinity map.

SURROUNDING ZONES:

N:	AO-I – Agricultural Open Interim
E:	AO-I – Agricultural Open Interim
W:	AO-I – Agricultural Open Interim
S:	AO-I – Agricultural Open Interim

EXISTING LAND USES:

N:	Residence
E:	Vacant
W:	Residence
S:	Edinburg Main Canal ROW
Site:	Residence/Warehouse

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map nor surrounding land uses. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. Townhouses are considered to be a Moderate Density Residential designation. Based on the size of the property it would be difficult to comply with the R-1 requirements. 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 only received one email against this request.

RECOMMENDATION: Staff recommends approval.

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

Mr. Harjap Nanva lives at 2700 N. Shary Road, stated he is the property owner right north to the proposed property. He stated there are single family stand alone homes. He stated that the townhouse they are proposing are going to be looking in his backyard. He stated that is the reason he opposed the rezoning.

Mr. Steven Marino lives at 2702 N. Shary Road. He stated he opposed the rezoning because they don't want townhouses in the neighborhood also, he doesn't want traffic coming through the area. He stated that the area is a nice secluded spot they have animals and small farms in that area. He stated it wouldn't be good because there is a canal there. He stated that is the reason he opposed the rezoning.

Mr. J.D. Villarreal asked if the motion of the item before is it going to affect the vote?

Mr. Milo Salinas stated that the entire property is based on to rezoning the front to commercial and to be able to do townhouses in the rear of the property. He stated yes the only way to be able to do the subdivision would be to get both zoning approved. He stated that it's a very narrow property. He stated he just did one north of the area. He stated they are going to meet the city's requirements. If its adjacent to a residential property and its still residential and the fencing is different there is an ordinance for it they are going to meet all the ordinance that is required.

Mr. J.D. Villarreal asked if they are going to be doing a single story?

Mr. Mllo Salinas stated right now they don't know. He is just proposing 30' x 70' lot. He stated they just took pictures of a two story townhouses just of north of the area. They don't have a set footprint for the townhouses. He stated that it's the applicants retirement plan that this is what they want to do.

Mr. Harjap Nanva stated that the applicants is rezoning it to commercial in the front and in the rear together. He stated its already being used as a commercial business. He stated there is a tax business running and there are apartments already. He stated he isn't opposing the commercial its already commercial. He stated what he is opposing is the townhomes because its going to be invading his privacy. He stated right behind the property there is a pond. He stated that it looks like a pond but its actually an eco-system he has maintained for the migrating birds to come have babies, birds, and ducks all the way from Siberia and North America.

Mrs. Guadalupe Ramon stated that she is the property owner. She added that as far as the business that Mr. Harjap Nanva is indicating for the business, she had come every year to get a Condition Use Permit for her tax business she owns to run business. She added that she got approved for a lifetime Conditional Use Permit. She added that the apartments Mr. Harjap Nanva is referring to she had built it for her children so once they became older they moved out of the home into one of the apartments. She added as of right now they are being used as storage and there is no one renting. She stated that only her and her husband are living there. She added all of her children are old and have moved out on their own. She stated as to the apartments they are going to be together stand alone. She added that she doesn't know yet where they will be a one-story or two story they are waiting for approval from the board in order to make that decision. She stated that if you look at the Taylor Road area you would see that there is 4 townhouse subdivision being built.

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

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

Started: 5:51 p.m.

Ended: 6:03 p.m.

Item #1.4

Conditional Use Permit:

**Home Occupation – Cruz Home Care
1302 E. Griffin Parkway
All of Lot 1 & West 40' of Lot 2,
Enchanted Valley Subdivision
R-1
Pedro Cruz, Jr.**

Ms. Susie De Luna went over the write-up stating the site is located approximately 160' East of Tangelo Street along the South side of E. Griffin Parkway F.M. 495. The applicant has his single-family residence thereon with a paved circular driveway off of E. Griffin Parkway and a driveway off the alley in the rear of the lot. The applicant has applied for a conditional use permit for a home occupation to have a Home Care Office service out of his home. He proposes to utilize 1 side of the home as an office setting for the business. They are a Personal Home Care Business for the elderly and children with disabilities. They hire personal care attendants to aid with daily living activities for individuals within the community and surrounding cities. Their services are provided at their clients' home not at their business. They will have approximately 10 employees come into the office to pick up their paychecks every 2 weeks on Fridays. They have been in business within the City of Mission since August 2021 at 702 E. Griffin Parkway, Ste. 3.

- **Days/Hours of Operation:** Monday – Friday from 8am to 5pm.
- **Number of Employees:** 3 employees & 1 living in the home.
- **Parking:** It is noted that the circular driveway can easily accommodate up to four vehicles and the rear driveway can accommodate up to 6 vehicles.
- **Active Business License for the Home Care Office**
- **Must comply with Sec. 1.56-1, Zoning Code (home occupations regulation),**
Inclusive of sign requirements.

Section 1.56.1(d) states there shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.

Section 1.56.1(g) states the planning and zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent bases to the city council who shall have the authority on the matter. With regard to proposed variances to subsections 1.56.1(a),(d) and/or(f), a minimum of 90 percent of the property owners within 200 feet mailout radius shall provide written support for the proposed home occupation to request variance. Should the 90 percent threshold not be provided, no variance shall be considered.

REVIEW COMMENTS: Staff mailed out 23 notices to property owners within 200' radius to get any comments in favor or against the request. Staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 year re-evaluation to access the new operation,
- 2) Compliance with all City Codes (Building, Fire, and Sign Codes),
- 3) Reducing the number of employees to 1,
- 4) Acquisition of a business license, and

5) CUP not transferable to others.

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

Mr. Omar Ramon stated he owns a couple of lots. He stated Mr. Jeffery he was a pharmacist he added that Mr. Jeffery had developed the property. He stated Emerald Lane is a dead-end street. He added the alley is in very bad shape for a vehicle to be going through there. He stated that he subdivided his property that the 6 lots on Emerald Lane which is 200' long and the lots are 34' w x 60' depth. He mentioned that he has someone maintain his trash can the reason being because there are just very congested. He stated he isn't against the commercial use of the property. He added there should be some type of barrier or some type of fence. He stated that his main concern is that is going to be high traffic in the area. He asked if there is going to be a fencing by the property owners so no one can park in the rear of the property so there won't be high traffic in the rear of the property or alley.

Ms. Susie De Luna stated to her knowledge it's just going to be the 1 person that lives on the property and 1 employee. She stated they are proposing 3 employees they are only allowing 1 employee. She added that they had a capability of having 6 vehicles parked in the rear but

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

Ms. Raquene Austin stated they have 10 employees and basically are going to service the citizens at their private homes.

Ms. Susie De Luna stated the employees would only be going to the property to pick up their checks.

Chairwoman Ms. Diana Izaguirre asked if the 2 houses on the side were being used as residential?

Ms. Susie De Luna stated yes there are residential. She added there is 1 commercial property but it is further towards Bryan Road.

Chairwoman Ms. Diana Izaguirre stated even if it's residential they still can go through the rear. She added if it's commercial they usually add a buffer between residential and commercial.

Ms. Susie De Luna stated when she had spoken to Mr. Omar Ramon thought it was being rezoned to commercial. She added that the applicant originally was going to propose to rezone to commercial. She mentioned that the only way to have 3 employees at the business would be if they got 90% of the property owners which they weren't going to get because they had already tried to get signatures from property owners in the area. She mentioned that the applicant knew they have to reduce the employees to one and to one person living on the property.

Chairwoman Ms. Diana Izaguirre stated so they're people living there right now?

Ms. Susie De Luna stated the owner of the business is living there plus 1 employee would be allowed.

Mr. Steven Alaniz asked if we know how many clients they have?

Ms. Susie De Luna stated no.

Ms. Denise Cruz stated that the majority of the employees received direct deposit for their check. She added that she only has 10 employees that come to pick up their paycheck which is every two weeks on Friday. She also mentioned that no employees that don't work at the business won't be using the alley to park. She stated they will be only using the front entrance to pick up paycheck. She stated there will be no use of the alley by the employees other than the one that are going to be working at the business. She stated regarding the alley she as an owner has 4 vehicles. She mentioned that she doesn't know why Mr. Omar Ramon has a concern for the alley since she hasn't had any issue of the traffic or with the alley.

Ms. Raquene Austin asked if the owners 4 vehicles is going in and out of the home?

Ms. Susie De Luna stated the property owners.

Ms. Denise Cruz stated yes.

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

Started: 6:03 p.m.

Ended: 6:04 p.m.

Item #1.5

Conditional Use Permit:

**Regulated Consumer Finance Lender Office on
property zoned (C-2) Neighborhood Commercial
1821 N. Shary Road, Ste. 2
Lot 1, Bannworth Business Center
C-2
Landmark Financial Services, LLC**

Ms. Susie De Luna went over the write-up stating the site is located along the west side of Shary Road between Village Drive and Mulberry Street. The applicant leased a 1,198 sq.ft. suite for a Regulated Consumer Finance Lender Office and has been in business since January 2023. They provide personal, household credit and loan solutions to consumers. The property is currently zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(d) of the Zoning Code states that Business establishments which perform services on the premises such as banks, loan companies, and real estate offices require a conditional use permit. Access to the site is via a 30' access driveway off of Shary Road. The last CUP approved for this location was on November 28, 2022 for a period of 1 year.

- **Hours of Operation:** Monday – Friday from 8:30 a.m. to 5:30 p.m.
- **Staff:** 4
- **Parking:** Based on the square footage of the suite, there are 6 parking spaces required for this business. It is noted that the parking area is held in common there are 58 existing parking spaces shared with other businesses, thus meeting code.
- **Landscaping:** Staff is recommending to add more plants along Shary Road.

REVIEW COMMENTS: Staff has seen several businesses in a C-2 zone without creating a negative impact to the surrounding areas since the hours of operation are reasonable. Staff mailed out 21 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) 3 year re-evaluation to assess this operation
- 2) Must comply with all City Codes (Building, Fire, Health, etc.),
- 3) CUP not to be transferable to others.

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

There was none.

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

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

Started: 6:04 p.m.

Ended: 6:06 p.m.

Item #1.6

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages—The Loretto at Mission
1233 E. Griffin Parkway
Lot 1 & the S. 25' of Lot 2, Block 1,
Bel-Aire Heights Subdivision
C-2
LAG Associates, LLC**

Ms. Susie De Luna went over the write-up stating the site is located on the NW corner of Orange Drive and Griffin Parkway. The Loretto has been in operation since September 2015. Access to the restaurant is of a 36' driveway off of E. Griffin Parkway. The applicant would like to continue offering alcoholic beverages with their meals therefore the need for consideration. The last CUP approved for this location was on February 10, 2020 for a period of 4 years. Staff notes that this would be the applicants 4th request.

- **Hours of Operation:** Tuesday – Sunday from 10a.m. to 10p.m., Closed Mondays.
- **Staff:** 8
- **Parking:** The restaurant, which also includes a patio, requires 37 parking spaces for both patrons and staff. The applicant has 30 on-site parking spaces for patrons and the remaining 7 parking spaces are on the adjacent property and are used by staff.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300' from the nearest residence, church, school or publicly owned property. There is a residential subdivision within the 300' radius, however P&Z and City Council have waived this requirement for other similar businesses.

REVIEW COMMENTS: Staff mailed out 16 notices to property owners within a 200' radius of the site. As of the date of this write-up, staff has not received any comments in favor or against this request. Staff asked Mission PD for any incidents reported in relation to the sale of alcohol. There have not been any incidents reported to PD during the CUP's existing tenure. Since the restaurant is not open after 12a.m., and 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) Continued compliance with all City Codes, (Building, Fire, Health, etc.),
- 2) Waiver of 300' separation requirement from residential neighborhoods, and
- 3) CUP not to be transferable to others.

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 6:06 p.m.

Ended: 6:17 p.m.

Item #1.7

Discussion and Action to Amend or Adopt Ordinance for Water Rights

Ms. Susie De Luna went over the write-up stating that a directive was given to staff to develop an ordinance to improve the City's ability to more-responsibly secure water rights for new subdivisions.

Currently, there is a shortage of water throughout the Rio Grande Valley; this continuing shortage is increasingly magnified due to Mexico's refusal to honor its treaty obligation to divert appropriate amounts of water to the United States pursuant to the various treaties to which it is subject. The water shortage problem is compounded by insufficient rainfall in the Rio Grande watershed.

However, these unfortunate circumstances do not diminish the City's responsibility to plan for and provide an adequate water supply for new subdivisions and its projected population.

The City of Mission currently relies on a 43-year-old ordinance (adopted in September 28, 1981) to attempt to provide for its water needs. This ordinance has never been updated, and the time has come to revamp it in order to meet the City's current and anticipated water supply needs.

Chapter 49, Subchapter O of the Texas Water Code provides a mechanism for municipal water suppliers in Cameron and Hidalgo Counties to acquire water rights for municipal use from

irrigation districts that formerly provided irrigation water to land that has been subdivided. In order to acquire these water rights, a municipal water supplier must file a petition with the applicable irrigation district within two (2) years after the date that a subdivision plat has been filed in the official records of the county.

Staff notes that the existing ordinance does **NOT** have a provision that allows the City to charge a developer for the cost of acquiring and converting such water from irrigation use to municipal use. The current ordinance places the responsibility for acquiring sufficient water rights to service the subdivision upon the developer, so it should also be the developer's responsibility to pay the costs incurred by the City if it elects to acquire water rights from an irrigation district under any existing agreement or under Chapter 49, Subchapter O of the Texas Water Code. If the water rights are acquired under Chapter 49, Subchapter O, Section 49.507(b) of the Texas Water Code provides that the purchase price for such water rights cannot exceed sixty-eight percent (68%) of the current market value of the water rights, as determined by the Rio Grande Regional Water Authority (currently \$2,896.81 per acre foot).

Currently, the City is responsible for paying the costs associated with acquiring irrigation rights from an irrigation district and converting those water rights to municipal use, whether such rights are acquired under Chapter 49, Subchapter O of the Texas Water Code, or under the terms of any existing agreements. By adopting the attached amended ordinance, the City will now be able to legally pass along this cost to the developers of land within the City's CCN.

Staff stands ready to hear and further discuss your guiding insight on this urgent matter.

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D. Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Ms. Diana Izaguirre asked even if they were going to approve of the water rights. She added there would have to be a steady in to come up with a certain amount for what going to be charge for water rights.

Ms. Susie De Luna stated what the united irrigation district currently charges right now if the city were to purchase \$3,000 per arce foot. She stated what staff is suggesting would be to charge the existing fee that is be opposed to the city right.

Chairwoman Ms. Diana Izaguirre stated they are charging because it is a municipality. She asked if the staff if they checked how much Sharyland water supplies charges.

Ms. Susie De Luna stated Sharyland charges \$3,042 they charge by the size of the water meter that how they developed it that's how they charge the fees.

Chairwoman Ms. Diana Izaguirre stated out of the \$3,042 is not all of the water rights.

Ms. Susie De Luna stated they charge off the usage of the water meter.

Chairwoman Ms. Diana Izaguirre stated that they need to ask for it break it down.

Ms. Susie De Luna stated they did that is what they provided to them.

Mr. Abel Bocanegra asked if Chairwoman Ms. Diana Izaguirre is asking by them as the water corporation. He added for the water corporation to ask the engineers and developers to break it down.

Chairwoman Ms. Diana Izaguirre stated they break it down separately. she stated they did a study to come up with that amount doesn't mean it's going to be the same amount as everybody else because they all have different connections. She added Sharyland might have \$20,000 and Mission might have \$80,00 or North Alamo might have different then McAllen. She stated to make sure you see the difference between different rates. She added that they aren't going to get Sharyland rate or McAllen rates because they don't know how they came up with that amount.

Mr. Abel Bocanegra stated the water corporation changed rate based on water meters and usage and municipalities exception of McAllen. He stated \$3,000 per acre foot as a base fee.

Chairwoman Ms. Diana Izaguirre asked which municipalities?

Mr. Abel Bocanegra stated Edinburg, Pharr and Weslaco.

Chairwoman Ms. Diana Izaguirre asked if they are on the chart?

Ms. Susie De Luna stated that Weslaco is using the another one and Edinburg is charging \$3,000.

Chairwoman Ms. Diana Izaguirre stated McAllen doesn't have a fixed rate it's to request convey.

Ms. Susie De Luna stated McAllen doesn't it's to request Convey. She stated that the ordinance can be amended they just want something so they can start implementing it because they don't have any fee that they can start charging or any guide to go by.

Chairwoman Ms. Diana Izaguirre stated every 2 years they get the water rights from every subdivision and they get the arable land water rights.

Ms. Susie De Luna stated it can be amended once they get an updated fee. She added the council direction is to at least start with something. She stated if they don't want to start with the \$3,000 water rights to at least start with the \$2,896.81 that was based on 2019 records.

Chairwoman Ms. Diana Izaguirre asked what west side has?

Ms. Susie de Luna stated they are charging \$3,000. She stated they need something that's going to implement the fee because the likelihood that the fee isn't going to go down it will go high. She stated if it does they just have to start implementing something that hasn't been done.

Mr. Omar Guevara asked why is it based of the 2019 rates and not the 2023 rates or anything current?

Ms. Susie De Luna stated she contacted the Rio Grande Regional Water Authority they only provided the information to them from 2019.

Chairwoman Ms. Diana Izaguirre stated they had met 4 years ago and that is when they implemented the rate.

Ms. Susie De Luna stated there is a meeting planned for this year next month.

Ms. Raquenel Austin asked if they projected the rates going up.

Ms. Susie De Luna stated they haven't determined as of now.

Mr. Abel Bocanegra stated as of now nothing is stated officially but they assumption is yes.

Mr. Omar Guevara asked if they wait for them because if they agree to \$3,000 and then the Rio Grande Regional Water Authority meets it in a month and they change it to \$5,000. He added if they have to come back and do it again?

Chairwoman Ms. Diana Izaguirre stated no they would just have to amend what The board approves. She added they had a meeting with the Texas Water Development Board stating they had a meeting with regional water authority they are very conservative. She stated that she believes it won't go up from \$2,800 to \$5,000 and if it goes up it will go up a little bit.

Ms. Susie De Luna stated they at least recommend \$3,000.

Chairwoman Ms. Diana Izaguirre stated they are every conservative they maintain the market value prices so nobody can come and say we are going to sell you the water rights for \$10,000 that's why they have this provision of the 68% of the current market value. She added they do it to help out the municipality so they won't get attacked with being charged more taxes just because it's a bigger city.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Omar Guevara moved to approve to Water Rights. Ms. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:17 p.m.

Ended: 6:19 p.m.

Item #2.0

Site Plan Approval:

**Construction of a Commercial Plaza
(Sergio Nelly Plaza – 1604 W. Griffin Parkway)
Lot 21, Blk 1, Oakwood Estates Subdivision
C-3
Sergio Cerda**

Ms. Susie De Luna went over the write-up stating the subject site is located on the north side of W. Griffin Pkwy (F.M. 495). approximately 145' east of River Oak Ave. – see vicinity map. The developer is proposing one main structure with 2 suites.

The main access will be from W. Griffin Pkwy (F.M. 495) and will be prepped by having the option to connect to the lot on the east and west, respectfully. The building will have a contemporary façade, stucco finishes, and standard metal and glass storefronts. The structure

will measure a grand total of 968 sq. ft. which will consist of 2 units: each unit will be 484 sq. ft. which will include a unisex restroom

The front building setback is approximately 73" from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan. A total of 8 parking spaces, 2 being handicap stalls will be allocated to serve the plaza. There's an existing fire hydrant within the required distance therefore this item is fulfilled with fire lanes noted at restricted locations throughout the site.

Storm water detention area has been designated on the northeast side corner of the lot. Water will then be transferred thru a 24" RCP into the storm manhole and ultimately connecting to the city's storm infrastructure. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan has been reviewed so that nearby residential properties won't be affected.

OTHER COMMENTS:

1. 1 enclosed dumpster will be located within the Lot to be screened with a solid buffer and opaque (solid) gates.
2. Sign permits will be required per tenant
3. Installation of a buffer fence abutting all residential properties

RECOMMENDATION: Staff recommends approval.

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

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Steven Alaniz moved to the approve the site plan approval. Ms. Raquanel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:19 p.m.

Ended: 6:21 p.m.

Item #2.1

Site Plan Approval:

**Construction of paddel & pickleball courts complex
(RGV Paddel Sports Complex – 2513 Victoria Avenue)
Lot 2, Hampton Inn & Suites Subdivision
C-3
South Texas Development & Construction**

Ms. Susie De Luna went over the write-up stating the subject site is located on Lot 2 of the Hampton Inn & Suites Subdivision situated along the north side of Victoria Dr. approximately 450' west of Taylor Rd. and also adjacent and east of the Hampton Inn & Suites Hotel. – see vicinity map. Site Plan approval is required prior to permit issuance for commercial developments and complexes.

The complex is being proposed as venue to consist of 7 paddel ball and 6 pickieball courts for a total of 18,000 square feet and a 3,500 square foot pro shop to include a bar and lounge for

a grand total of 21,500 square feet. The venue will have a contemporary design with modern open courts and a 2-story pro shop being mostly of glass with solid walls and partitions.

The site will have a main access from Victoria St. and a secondary point of Ingress and egress by a shared driveway from the hotel to the west and will also have a 30' common access available from the north side of the property. The Project site would be subject to the development standards for a C-3 Zone District, and would be required to comply with setback noted within. Those setbacks appear to meet and/or exceed the applicable development standards to include height requirements.

Pursuant to Sec. 110-463, the conceptual site plan exceeds the minimum vehicle spaces; therefore, parking for the site would be adequate.

The subject parcel is surrounded by existing development and has the Infrastructure in place to support a hotel use. The project will be required to comply with all conditions from Public Works and Engineering, which will further ensure the site is suitable for the proposal

The project site would be required to provide a minimum setback from the front, rear, and street side property lines, which will be landscaped. As indicated on the site plan, the applicant proposes landscaped areas throughout the site. Lighting for exterior illuminated signs or within the parking areas shall be noted not to create a hazardous glare for pedestrians or vehicles, either in a public street or on any private premises.

OTHER COMMENTS:

1. Payment of Capital Sewer Recovery Fees in the amount of \$1500
 - \$750 per acre (1.88)
2. Enclosed dumpsters will be located within the complex to be screened with a 6' block fence with opaque (solid) gates.
3. Installation of a buffer to abut all drainage ponds and residential and adjacent properties.

RECOMMENDATION: Staff recommends approval.

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

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Omar Guevara moved to the approve the site plan approval. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:24 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

**Conway Village Subdivision
Being 19.118 acres out of Lot 36-6,
West Addition to Sharyland Subdivision
Suburban ETJ
Developer: Rimaga, LLC
Engineer: Melden & Hunt, LLC**

Ms. Susie De Luna went over the write-up stating the subject site is on the southwest corner of W. St. Francis and Conway Ave.-S.H. 107 (Mission Suburban ETJ) — see vicinity map. The developer is proposing a (44) forty-four duplex/fourplex lot subdivision that will include (1) one commercial lot and (1) one detention pond — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corp (SWSC). The developer is proposing to connect to an existing 12" water line located along the south side of W. St. Francis Ave. and along the west side of Conway Ave. — S.H. 107 to provide water service to each lot. There are 6 fire hydrants proposed to be used as filling stations via direction of the Fire Marshal's office.

SEWER

An internal 8" sewer line system will provide sewer service to all the lots as it ties into an existing 12" sanitary sewer line south along the west side of N. Conway Ave. (S.H. 107). The Capital Sewer Recovery Fee is required at \$670.00 per lot and \$750 per ac. for commercial lots which equates to \$31,060.00 (\$670.00 x 43 lots + \$750.00 x 3 ac.).

STREETS & STORM DRAINAGE

All internal streets are 32' Back-to-Back within a 50' Right of Way, access will be from W. St. Francis Ave. The proposed storm drainage system will consist of 6 type "A" inlets. Surface runoff will be conveyed into a proposed detention pond and discharge into the existing road ditch along N. Conway Ave. (S.H. 107) via a pump system and ultimately discharge into Linda Vista Drain which is owned and maintained by HCDD #1. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to payment of Capital Sewer Recovery fee, compliance with the City's Model Subdivision Rules, and meeting any requirements from the County Planning Department.

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

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to approve the subdivision. Mr. Steven Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#4.0

ADJOURMENT

There being no further items for discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to adjourn the meeting. Mr. Omar Guevara seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:24 p.m.


Diana Izaguirre, Chairwoman

Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
MAY 1, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Kevin Sanchez
J.D Villarreal
Connie Garza
Jasen Hardison

P&Z ABSENT

Diana Izaguirre
Raquenel Austin
Omar Guevara
Steven Alaniz

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT

Pedro Ayala
Olivia Libby Pena
Rolando Pena
Charles Wills
Janice Wills
Wendy Roberts
Kevin Roberts
Maria G. Cantu
Julia V. Garcia
Jose L. Garcia
Zorelda Lopez
Manfred Schuller
Emmanuel Eben
Glenda Garcia
Karla Garcia
Aaron Balli
Steven Ricci
Patricia Ricci
John Crouch
Alden Robert Rush

CALL TO ORDER

Vice Chairman Mr. Kevin Sanchez called the meeting to order at 5:35 p.m.

CITIZENS PARTICIPATION

Vice Chairman Mr. Kevin Sanchez asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR APRIL 17, 2024

Vice Chairman Mr. Kevin Sanchez asked if there were any corrections to the minutes for April 17, 2024. Mr. J.D. Villarreal moved to approve the minutes. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:36 p.m.

Ended: 5:49 p.m.

Item #1.1

Rezoning:

- Tract #1:** A tract of land containing 1.52 acres, more or less, out of a 3.56 acre tract out of Lot 285, John H. Shary Subdivision
&
Tract #2: A 1.76 acre tract of land out of Lot 285, John H. Shary Subdivision
AO-I to C-3

Rolando & Olivia Pena

Ms. Susie De Luna went over the write-up stating the subject site is located approximately 330' south of E. Mile 2 Road along the east side of Shary Road.

SURROUNDING ZONES: N: C-2 & R-1A – Neighborhood Commercial & Large Lot
Single Family
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Commercial & Residential
E: Residential
W: Residential
S: Residential
Site: Residential & Acreage

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. The Future Land Use Map is a tool used by staff to determine what the City envisions in the area; however, it can be amended from time to time. Staff notes that these tracts of land are mainly surrounded by residential homes, although there is a C-2 (Neighborhood Commercial Zone), immediately north of the property, which are typically seen or located in major intersections only. Staff mailed 34 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. The request before the Board is for an even higher density, than what's in the area for that reason staff cannot support the request.

RECOMMENDATION: Staff recommends denial

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

Mr. Charles Wills stated he lives at 2403 E. 35th Street. He stated no one in the neighborhood is wanting the property to be rezoned to a C-3. He stated that he believes that has 17 homes signed up on the petition he provided to staff and board members. He stated that he didn't realize that Stonegate Drive received notices. He stated he is opposed to anything above a C-1. He just doesn't want any bars or restaurants or any retail center in the neighborhood. He stated that the traffic in the area is already congested.

Mr. Manfred Schuller live in Lot 34 Shary Forest 2, he stated he is against any rezoning even though he had signed the petition for a C-1 because of the noise coming from the gas station and the music and everything in the area.

Mr. Kevin Roberts lives at 3102 Woodfair court, he stated he opposed the rezoning for being zone to a C-3.

Mr. Jose Garcia lives in lot 8 at 2401 E. 35th Street, he stated he was opposed of the rezoning reason being the 7-11 gas station is nosy and adding a C-3 would be more noise from both businesses.

Ms. Maria Cantu lives at 3103 Woodfair Court, stated she opposed the property to be rezoned into a C-3. She stated she agrees with a C-1 but definitely not a C-3. She stated they have swimming pools and backyards where their children play. She stated there is no way for children to be playing in the backyard without worrying.

Mr. Steven Ricci & Mrs. Patricia Ricci lives at 1301 Woodfair court, he stated they opposed a C-3. He asked if it was to be zoned to a C-1 what is allowed to be put on the property?

Vice Chairman Mr. Kevin Sanchez stated the C-1 zone is for office buildings.

Ms. Susie De Luna stated the C-1 zoning allows any office space for an attorney, real estate, dentist and doctor office space. She stated the business normally is allowed to be open from 8 am -5 pm latest would be 6pm or 7 pm.

Mrs. Patricia Ricci asked if it would allow a restaurant?

Ms. Susie De Luna stated no.

Mr. Steven Ricci stated he would opposed to a C-3.

Mr. John Crouch lives at 3000 N. Shary Road, he stated he would be opposed to a C-3 reason being because it is a residential area and they already seen an encroachment from the 7-11 gas station. He stated the traffic isn't situated in the area the entrances and exits on Shary Road that they have now is very congested. He stated there has been fatality accidents on the intersection in the corner of Shary Road. He stated that he doesn't see the liability of adding additional entrances and exits on Shary Road.

Mr. Alden Robert Rush lives at 2407 E. 35th Street, he stated he opposed anything from a C-2 and C-3. He stated he agrees to a C-1 reason being he has kids that play in the backyard. He stated that he doesn't want any extra traffic and noise in the neighborhood from any restaurant or bar.

Vice Chairman Mr. Kevin Sanchez asked if there was any input in favor of the request.

Mrs. Oliva & Mr. Rolando Pena wanting to rezone for the sole purpose of selling the property. She stated that they feel their property has the potential of retail. Mr. Rolando Pena stated that they are thinking of lowering the zoning from a C-2 or C-1.

Vice Chairman Mr. Kevin Sanchez entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Connie Garza asked if the applicant is thinking of changing the zone to C-1. Do they take no action so they don't have wait for the time period to submit the request?

Ms. Susie De Luna stated that if the P&Z board is considering a C-1 they are able to down zone. She stated the board can deny the C-2 and approve the C-1. She stated that would be the recommendation forward to the city council. She stated so the applicant doesn't have to restart the process all over again. she stated since they are requesting a high zone the board can down zone to a C-1 but the board can't motion a C-1 to a C-3.

Vice Chairman Mr. Kevin Sanchez asked the applicant if they have a buyer in mind yet or potential developer to do with the property?

Mrs. Olivia & Mr. Rolando Pena stated no.

Mr. J.D Villarreal stated from his understanding the developer is considering a C-2.

Ms. Susie stated the applicant is wanting a C-2 or C-1.

Mr. J.D Villarreal stated the opposition is not wanting a C-2.

Ms. Susie De Luna stated the opposition is only considering a C-1.

There being no further discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D Villarreal moved to deny the rezoning request of a C-3 and approve a C-1. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:51 p.m.

Item #1.2

Conditional Use Permit:

**Mobile Food Truck- Churros Don Ramon
2509 Colorado Street, Ste. 201
Lot 1, Block 2, Santa Lucia Development
C-3
Juan Chapa**

Ms. Susie De Luna went over the write-up stating the 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 Churros (Mexican deep-fried pastry's). Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Tuesday – Sunday from 5:00 pm to 10:00 pm
- **Employees:** 2 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 17 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

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

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

There was none.

Vice Chairman Mr. Kevin Sanchez entertained a motion to close the public hearing. Mr. Jasen Hardison moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Ms. Connie Garza moved to approve the conditional use permit. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:51 p.m.

Ended: 5:53 p.m.

Item #2.0

Single Lot Variance:

**A 1.0 Acre tract of land, more or less,
out of Lot 263, John H. Shary Subdivision
2506 N. Glasscock Road
R-1A
Everardo P. Sustalta**

Mr. Alex Hernandez went over the write-up stating the site is located at the southeast corner of N. Glasscock Road and E. 25th ½ Street. The property measures 234' x 165' for a total of 38,610 sq.ft. The owner is proposing to build a residential home. Currently, the property is vacant.

WATER: There is an existing 8" water line along N. Glasscock Road and E. 25th ½ Street. Water service is readily available. There is also an existing fire hydrant at this same intersection therefore this requirement is fulfilled.

SEWER: The property has access to an existing 8" sanitary sewer line located along the north ROW of E. 25th ½ Street. Since this property had sewer service prior, the capital fee will not be needed.

STREETS: The property has frontage to N. Glasscock Road and E. 25th ½ Street. This lot will require an additional 10' ROW dedication along N. Glasscock Road. A streetlight can be found on front of this site and on the NE corner of the same intersection. There is no need for additional street lights at this location.

OTHER COMMENTS

- Park Fee is required at \$500 (per lot).
- Provide proof of exclusion from the Water District
- Comply with the 50yr storm detention requirements

RECOMMENDATION: Staff recommends approval subject to

1. Dedication of an additional 10' ROW along N. Glasscock Road
2. Provide proof of water district exclusion
3. Payment of Park fee, and
4. Comply with the 50 year storm detention code

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to approve the Single Lot Variance. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:55 p.m.

Item #2.1

Site Plan Approval:

**Construction of a Commercial Plaza
(Griffin Plaza - 929 E. Griffin Parkway)
Being 0.462 of one acre out of Lot 25-9,
West Addition to Sharyland Subdivision
C-2
Emmanuel Eben**

Mr. Alex Hernandez went over the write-up stating the subject site is located approximately ¼ mile east of N. Mayberry Road on the north side of E. Griffin Parkway. The developer is proposing one main structure with two suites on a vacant tract of land. This site pre-exists the 1974 subdivision code, therefore is considered a Lot of Record and does not required further subdividing nor the need to obtain a single lot variance.

Upon reviewing the site plan, main access will be from Griffin Parkway. The building size will have a grand total of 4,128 sq. ft. which will consist of 2 office spaces. Office space 1 will measure 1,548 sq. ft. and office space 2 will measure 2,580 sq. ft.

The front building setback is approximately 102' from the property line and all other setbacks are to comply with zoning ordinance, easements or greater as per site plan.

A total of 13 parking spaces will be allocated to serve the Plaza, 2 being handicapped stalls. There is a proposed fire hydrant and its assemblies to be located on the west side entrance. Fire lanes will be noted at restricted locations throughout the parking zone.

Storm drainage will be addressed by grading, capturing, and diverting storm water into proposed detention areas located at the front of the property and ultimately draining into an existing storm inlet along Griffin Pkwy. Landscaping is to comply with the City's regulations and code ordinances and a Lighting Plan has been reviewed so that nearby residential properties won't be affected.

OTHER COMMENTS:

1. 1 enclosed dumpster will be located within the Lot to be screened with a 6' block fence and opaque (solid) gates.
2. Sign permits will be required per tenant.
3. Buffer fence to be installed at perimeter of property abutting any residential lots.

RECOMMENDATION: Staff recommends approval.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to the approve the site plan approval. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:55 p.m.

Ended: 5:57 p.m.

Item #2.2

**Preliminary & Final
Plat Approval:**

**Stewart Cove Phase II Subdivision
A 2.97 acre tract of land out of the
South 24.44 acres of Lot 26-12,
West Addition to Sharyland
R-1A
Developer: Aaron H. Balli, Jr.
Engineer: Hinojosa Engineering, Inc.**

Mr. Alex Hernandez went over the write-up stating the subject site is located on the southwest corner of N. Stewart Road and Solar Drive. — see vicinity map. The tract is currently vacant with a proposed land use for 8 residential lots. — see plat for actual dimensions, square footages, and land uses.

WATER: The developer is proposing to connect to an existing 8" water line located along the west R.O.W. of N. Stewart Road and extend an 8" water line through the site providing water service to each lot. It will be looped to the north connecting into the existing adjacent subdivision. There is 1 proposed fire hydrant via direction of the Fire Marshal's office.

SEWER: The developer will connect to an existing sewer line located north of this site along the north ROW of Solar Drive and extend south into the subdivision with an 8" PVC line to collect from all lots abutting to the proposed street which will end with a standard MH on front of Lot 23. All lots will be stubbed opposite of the water meter with a 4" PVC line. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$1,600.00 (\$200 x 8 Lots).

STREETS & STORM DRAINAGE: The subdivision will have access from Solar Drive and end at a cul-de-sac. The street design will include a 50' ROW in a proposed 32' B-B paved street complete with curb & gutters.

The site lies within a Zone C flood zone as per FIRM panel No. 480344 0400C. The site will sheet flow rainfall onto the proposed street to flow north into existing inlets within Solar Drive the runoff will be detained on-site in a proposed swale and discharge onto an existing City of Mission 24" RCP storm drain line which ultimately drains to the HCDD No. 1 ditch approximately 950' north of this site. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS:

1. Water District exclusions
2. Payment of Park fees (\$500x8Lot=\$4,000.00)
3. Submittal of a street light and sign layout

RECOMMENDATION: Staff recommends approval.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Ms. Connie Garza moved to approve the subdivision. Mr. J.D Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 5:59 p.m.

Item #2.3

**Preliminary & Final
Plat Approval:**

**The Heights at Inspiration Subdivision Phase I
Being 9.277 acres out of Lot 35-1
West Addition to Sharyland
Suburban ETJ
Developer: Gustavo Cavazos
Engineer: MAS Engineering, LLC.**

Mr. Alex Hernandez went over the write-up stating the subject site is located on the east side of Inspiration Road 2/3 of a mile north of West Mile 3 Rd. — see vicinity map. The developer is proposing 31 Duplex-Fourplex Residential lots — see plat for actual dimensions, square footages, and land uses.

WATER

The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to existing 12" PVC water line running along the east side of Inspiration Road and extending a proposed 8" water line into the development. This will allow water service to the proposed subdivision and provide water service to each lot. There will be 4 fire hydrants to be used as filling station. — see utility plan

SEWER

The sewer CCN belongs to the City of Mission however it will be treated by the City of Alton by an agreement until future infrastructure can be installed. An 8" sewer line will run to and thru the subdivision and prepped for future phases. The design is compliant to Mission standards and to be maintained when future connections are established.

STREETS & STORM DRAINAGE

Internal streets are 40' Back-to-Back within a 50' Right of Way. Access will be from Inspiration Road. This property falls in two separate flood zones: "C" and "A" of the flood insurance rate map, communal panel no. 480334 0400 C. Storm water detention for this subdivision is 135,283 c.f. or 3.11 ac. ft. The City Engineer has reviewed and approved the drainage report.

RECOMMENDATION

Staff recommends approval subject to meeting the Model Subdivision Rules and meeting any comments from the County Planning Department.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D Villarreal moved to approve the subdivision. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:00 p.m.

Item #2.4

**Preliminary & Final
Plat Approval:**

Springwood Manor Estates

**A 2.00 acre tract of land out of the north 15.94 acres
of Lot 211, John H. Shary Subdivision
R-1T**

Developer: RGV Villa Development, LLC

Engineer: Trimad Consultants, LLC

Mr. Alex Hernandez went over the write-up stating the subject site is located along N. Stewart Rd. approximately 850' north of Bus Hwy 83. — **see vicinity map**. The developer is proposing an (23) twenty-three townhome lots with (2) two lots to be designated for storm water detention purposes — **see plat for actual dimensions, square footages, and land uses**.

WATER

The developer is proposing to connect from an existing 8" water line located along the west side of Stewart Rd. and extend a proposed 8" line along the south ROW on the internal street and looped around the north side of this site. They are proposing 1 fire hydrant as via direction of the Fire Marshal's office. — **see utility plan**

SEWER

The developer is proposing an internal 8" sewer line system to provide sewer service to all the lots as it ties into an existing 10" sanitary sewer system located on the north side of this development. The Capital Sewer Recovery Fee will be required at \$200.00/Lot which equates to \$4,600.00 (\$200.00 x 23 Lots).

STREETS & STORM DRAINAGE

The proposed internal street is a 36' Back-to-Back within a 50' Right of Way. Access will be from Stewart Road. The proposed drainage for this subdivision will consist of 2 detention swales and 1 conveyance swales. Combined, the swales will detain a total of 8,554 cubic feet of rain. These swales will discharge to an existing curb inlet on the northwest corner of the property along N. Stewart Rd. that belongs to the City of Mission. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Escrow Park fees (23 lots x \$500 = 11,500.00)

Installation of Street Lighting as per City Standards

Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fee's and Park Fee's
2. Comply with all other format findings.

Vice Chairman Mr. Kevin Sanchez asked if the board had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to approve the subdivision. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#3.0

ADJOURNMENT

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. Jasen Hardison moved to adjourn the meeting. Ms. Connie Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:00 p.m.



Kevin Sanchez, Vice Chairman
Planning and Zoning Commission

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

P&Z PRESENT

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

P&Z ABSENT

Kevin Sanchez
Jasen Hardison

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUEST PRESENT

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

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR MAY 1, 2024

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

Started: 5:35 p.m.

Ended: 5:45 p.m.

Item #1.1

Rezoning:

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

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

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

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

Site: Residential

FLUM: Moderate Density Residential (MD)

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

Staff notes that on October 26, 2009 the City Council considered and denied a C-3 rezoning request for Lots 1& 2. Staff mailed 13 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends denial.

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

There was none.

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Irasema Dimas stated no they aren't.

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

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

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

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

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

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Raquene Austin moved to deny the rezoning request of a C-3 and approve a C-2. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:49 p.m.

Item #1.2

Conditional Use Permit:

**Construction of a Pool House
1805 E. 28th Street
Lot 14, Magnolia Park Estates
R-1A
Zalda M. Vargas**

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

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

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

REVIEW COMMENTS: Staff notes that the lot total square footage is 9,520 sq.ft., which is 2,480 sq.ft. short of the required square footage, therefore if approved a variance would be needed. All building setbacks will be complied with. The proposed driveway is more than sufficient to accommodate any incoming vehicle. The pool house must be connected to the same water and electrical meters, i.e. no separate utilities. Staff mailed out 19 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. The applicant did submit a letter of approval for the pool house from Magnolia Park Estates Homeowners Association.

RECOMMENDATION: Since no kitchen is included, staff recommends approval subject to:

- 1) The applicant must comply with the provisions outline in Section 1.56-4 of the Zoning Code (except for the minimum lot size requirement),
- 2) The unit may not have a separate utility and electrical connections,
- 3) Transferability to other future owners imposing the same conditions imposed to this applicant,
- 4) Not to be used for rental purposes, and
- 5) Waive the minimum lot size requirement.

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

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

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

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

Started: 5:49 p.m.

Ended: 5:53 p.m.

Item #1.3

Conditional Use Permit:

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

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

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

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

RECOMMENDATION: Staff recommends approval subject to:

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

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

There was none.

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

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

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

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

Started: 5:53 p.m.

Ended: 5:56 p.m.

Item #1.4

Conditional Use Permit:

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

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

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

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

RECOMMENDATION: Staff recommends approval subject to:

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

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

There was none.

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

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

Started: 5:56 p.m.

Ended: 5:58 p.m.

Item #1.5

Conditional Use Permit

Renewal:

To have a Restaurant in a C-2 zone

The Magnolia Tea Room

1022 E. Griffin Parkway, Ste. 107B

Lot 1, Bryan Road Medical Plaza Subdivision

C-2

Elizabeth M. Romero

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

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

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

RECOMMENDATION: Staff recommends approval subject to:

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

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 5:58 p.m.

Ended: 5:59 p.m.

Item #1.6

Preliminary & Final

Plat Approval:

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

C-3

Developer: Shavi Mantani

Engineer: Melden & Hunt, Inc.

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

Utilities

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

STREETS & STORM DRAINAGE

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

OTHER COMMENTS

Street Lighting already exists

Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval.

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

There was none.

Chairwoman Ms. Diana Izaguirre entertained a motion to close the public hearing. Mr. J.D Villarreal moved to close the public hearing. Mr. Omar Guevara seconded the motion. Upon a vote, the motion passed unanimously.

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

Started: 5:59 p.m.

Ended: 6:00 p.m.

Item #2.0

Single Lot Variance:

**The North ½ of Lot 42 of the Toellner Subdivision,
being a resubdivision of 8.40 acres out of Lot 182
and 27.52 acres of Lot 192, John H. Shary Subd.
R-1
Anna D. Mendez**

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

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

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

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

OTHER COMMENTS

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

RECOMMENDATION

Staff recommends approval subject to:

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

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

There was none.

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

ITEM#3.0
ADJOURMENT

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



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**PLANNING AND ZONING COMMISSION
JUNE 19, 2024
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Kevin Sanchez
Jasen Hardison
J.D Villarreal
Connie Garza
Raquenel Austin

P&Z ABSENT

Omar Guevara
Steven Alaniz

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas
Elisa Zurita

GUEST PRESENT

Juan J Gonzalez
Danet Garza Ibarra
Alicia Cavazos
Stanley Jacobson
Janette Cavazos
Aaron Balli
David De Los Santos
Ruben Rodriguez
Denise Cruz
Maria Ester Salinas
Juan Rodriguez

CALL TO ORDER

Chairwoman Ms. Diana Izaguirre called the meeting to order at 5:33 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

Chairwoman Ms. Diana Izaguirre submitted a conflict of interest on Item 3.0.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR MAY 15, 2024

Chairwoman Ms. Diana Izaguirre asked if there were any corrections to the minutes for May 15, 2024. Mr. J.D Villarreal moved to approve the minutes. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:47 p.m.

Item #1.1

Rezoning:

- Tract 1: The West 20' of Lot 2, and all of Lot 1,
Enchanted Valley Subdivision
&
Tract 2: The West 20' of the East 80' of Lot 2,
Enchanted Valley Subdivision
R-1 to C-1
Pedro Cruz, Jr.**

Ms. Susie De Luna went over the write-up stating the subject site is located approximately 160' east of Tangelo Street along the south side of E. Griffin Parkway F.M. 495.

SURROUNDING ZONES: N: C-1 – Office Building
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1T – Townhouse Residential

EXISTING LAND USES: N: The Loretto at Mission
E: Residential
W: Residential
S: Residential
Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The proposed zone complies with the City's Future Land Use Map, and some of the surrounding land uses. Staff notes that the Future Land Use Map can be amended to reflect a commercial use. Office Building (C-1) is the least congested commercial zoning we have and appears to be the better land use for this property. The commercial zoning proposal is an expected transition with frontage to a 5-lane major street. 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 approval.

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

There was none.

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

There was none.

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

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

There was none.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to approve the rezoning. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:48 p.m.

Item #1.2

Rezoning:

**A 2.850 acre tract being the
South 2.85 acres out of Lot 39,
Bell Wood Company's Subdivision
AO-1 to R-2**

Aaron H. Balli, Jr.

Ms. Susie De Luna went over the write-up stating the site is located approximately 1,288' north of W. Mile 2 Road on the west side of Compton Drive. – see vicinity map.

SURROUNDING ZONES:

N:	R-2	- Duplex-Fourplex Residential
E:	AO-I	- Agricultural Open Interim
W:	R-2	- Duplex-Fourplex Residential
S:	AO-I	- Agricultural Open Interim

EXISTING LAND USES:

N:	Vacant
E:	Vacant & La Muñequita Ranch
W:	Apartments
S:	Vacant
Site:	Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map. However, it complies with the fairly new existing land uses. Staff notes that the Future Land Use Map can be amended to reflect the proposed zone. The City Council has approved other rezoning's for Duplex-Fourplex in this area and off of Trospen Road. Staff mailed 17 notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

RECOMMENDATION: Staff recommends approval.

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

Ms. Maria Ester Salinas mentioned she owned 3 acres right in front of the rezoning. She and her husband own 4 properties in mission. She stated she is against the proposed rezoning of our precious agriculture zoning area to an R-2 rezoning. Our vibrant community has thrived on the foundations of agriculture for generations, and I firmly believe that preserving this heritage is essential for the well-being of our town. By rezoning this area, we risk losing the very essence that makes our community unique. Our agricultural lands provide us with sustainable food sources, pristine landscapes, and a thriving ecosystem that benefits both humans and wildlife. Replacing this cherished landscape with R-2 rezoning, which typically involves increased urban development and higher population density, would irreversibly alter the character of our town. Furthermore, rezoning to R-2 could lead to numerous detrimental consequences. Increases traffic congestion, strain on local resources, and added pressure on our already overburdened infrastructure. I urge our mayor and council to listen to my concern which I share with many in our community and reject the proposed rezoning. She mentioned she has been on a zoning community before which she has brought in presenters to the other communities for the landscaping programs and native planned projects since they aren't a member of the ruby red grapefruit they could bring in other natural plants. She stated they are also educating the children to learn how to plant and develop. There are 7.4 million grants right now she is opposed because they don't have the structure, road, the water, sewer line or the electricity. She stated her neighbor will extinct habitat for the horned toads she has been in contact with Dallas of the and other natural habitats.

Mr. Arron Balll lives at 1515 Solar Drive stated he was wanting to rezone the property into a R-2 to grow with the properties around the area. He mentioned he knows that he has to fix on the street which is also a city street. He is willing to improve the area because City of Mission is growing and improving because he knows that there will be issues with the rain and the drainage to improve it.

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

Chairwoman Ms. Diana Izaguirre asked the board if they have any questions.

Ms. Connie Garza asked with the proposed plan how is the traffic going to flow through the area?

Ms. Susie De Luna answered the entrance would be through Compton Road.

Ms. Connie Garza asked staff if the board already hadn't denied a similar request of a property because of the traffic and congestion and they didn't have the infrastructure?

Ms. Susie De Luna answered the request was denied and the property in question was further south because the developer didn't want to do the improvements to make the street widening.

Mr. Kevin Sanchez asked if the city has asked him to make the improvements or required to make any improvements to the infrastructure?

Ms. Susie De Luna answered he would have to do improvements in the area.

Mr. Kevin Sanchez asked what were the improvements?

Ms. Susie De Luna answered it would mostly likely be to widen Compton Road.

Mr. Kevin Sanchez asked from 2 Mile Road north?

Ms. Susie De Luna stated only what is his section. The city cannot make the applicant fix the road all the way to 2 Mile Road.

Ms. Austin Raquenel asked if there is any farming being done around the area?

Ms. Susie De Luna answered not to her knowledge.

Mr. Stanley Jacobson stated that he still farms immediately south of the property being rezoned.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Connie Garza moved to deny the rezoning. Ms. Raquenel Austin seconded the motion. Upon a 2-4 vote, the motion failed. Mr. Kevin Sanchez, Mr. J.D Villarreal, Mr. Jasen Hardison and Ms. Diana Izaguirre dissenting.

Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D Villarreal moved to approve the rezoning. Mr. Kevin Sanchez seconded the motion. Upon a 4-2 vote, the motion passed. Ms. Connie Garza and Ms. Raquenel Austin dissenting.

Started: 5:48 p.m.

Ended: 5:49 p.m.

Item #1.3

Conditional Use Permit:

**Drive- Thru Service Window – Dunkin Donuts
301 N. Shary Road, Ste. 100
Lot 1, Shary Town Plaza Subdivision
C-3
Lindsey Dumas**

Ms. Susie De Luna went over the write-up stating the site is located approximately 400' north of E. 1st Street along the west side of N. Shary Road. The applicant is leasing an 1,875 sq.ft. suite for a Dunkin Donuts which will include a drive-thru window on the south side of the building. Access to the drive-thru service window would be off of N. Shary Road via a 24' driveway. They would place the order on the west side of the building and pick up the order on the south side. The drive-thru window location allows stacking for approximately 9 vehicles.

- **Days/Hours of Operation:** Monday – Sunday from 4:30am to 11:00pm.
- **Staff:** 30 employee's different shifts.
- **Parking & Landscaping:** In reviewing the floor plan, there is a total of 5 tables with a total of 16 seating spaces proposed, which would require 5 parking spaces. (1 parking space for every 3 seats = 5.3). It is noted that the parking spaces are held in common for this commercial. There is a total of 57 parking spaces that will be shared with the other businesses. The applicant will have to comply with the landscaping requirements.

Review Comments: Staff recommends that proper signage be placed for the Drive-Thru Service Window in order to avoid any confusion and that they install a speed bump just before exiting vehicles reach the access lane. Staff mailed out 11 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1) Must comply with all City Codes (Building, Fire, Health, etc.),
- 2) Installation of a speed bump at the end of the ordering window,
- 3) Acquisition of a business license prior to occupancy, and
- 4) CUP not be transferable to others

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

There was none.

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

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

There being no further discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the conditional use permit. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:51 p.m.

Item #1.4

Conditional Use Permit:

**Drive-Thru Service Window
– Xquinkies Snackland Inspiration
3009 N. Inspiration Road, Ste. A
Lot C1-A, Taurus Estates #3 Subdivision
C-3
Rosa Maria Uribe**

Ms. Susie De Luna went over the write-up stating the subject site is located at the NW corner of Inspiration Road and Giselle Street. The applicant has been operating a sno-cones and snack business at this location since 2018. She would like to incorporate selling mix drinks to the menu. This would be allowed under a C-3 zone, she would just need to wet zone the property. A 24' drive in the rear of building provides access to a 13' drive-thru lane and would allow stacking for approximately 2 vehicles. She would like to continue using the drive-thru service window for her business. The last CUP for a drive-thru service window at this location was approved on April 12, 2021 for a period of 3 years. Staff notes this would be the applicants 4th request.

- **Days / Hours of operation:** Every day from 11:00 a.m. to 10:00 p.m.
- **Staff:** 2 employees
- **Parking & Landscaping:** It is noted that a total of 138 parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping is existing and in compliance to code.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes.
- **Sale of Alcohol (Section 6-4):** of the Zoning code requires such uses to be 300' from the nearest residence, church, school or publicly owned property. There are residential homes directly behind the alley that fall within the 300'; however, P&Z and City Council have waived this separation requirement in other similar CUP's approval.

REVIEW COMMENTS: Staff mailed out 31 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1) Continued compliance with all City Codes (Building, Fire, Health, etc.),
- 2) Compliance with TABC requirements,
- 3) Waiver of the 300' separation requirement from residential homes,
- 4) CUP not be transferable to others, and
- 5) Wet zone property

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

There was none.

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

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

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

Started: 5:51 p.m.

Ended: 5:53 p.m.

Item #1.5

Conditional Use Permit:

**Drive-Thru Service Window
- Twisted Sisters
1500 W. Business 83, Suites 9 & 10
Lot A, Mission Acres
C-3
Ana Rita Garza**

Ms. Susie De Luna went over the write-up stating the subject site is located on the NW corner of Los Ebanos and Business Highway 83. The applicant has been running her coffee shop at this location since 2021. Recently, the new property was granted a CUP to re-build the drive-thru service window and added 3 more suites to the east side of the building. Since, CUP's are not transferable, the tenant would like to continue using the drive-thru service window and expand her business to now occupy suites 9 and 10. The last CUP approved for the Drive-Thru Service Window at this location was on May 10, 2021 for a period of one year. Access to the site is from a driveway cut off of Business Highway 83 and exiting to Los Ebanos Road. The drive-thru service window allows stacking for approximately 2 vehicles.

- **Days/Hours of Operation:** Monday – Friday from 6:30 am to 8:00 pm, and Saturday & Sunday from 8:00am to 8:00pm
- **Staff:** 5 employees
- **Parking & Landscaping:** The applicant is proposing to have 2 tables with 4 chairs and 6 tables with 2 chairs for a total of 20 seating spaces, which require 7 parking spaces. (20 seats/1 space for every 3 seats = 6.6 parking spaces). It is noted that the parking area is held in common (35 existing parking spaces) and is shared with other businesses.

REVIEW COMMENTS: Staff mailed out 14 notices to property owners within 200' radius and has not received any comments in favor or against this request. Staff has asked PD for any reports for this establishment as of this date there has been none. Staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval subject to:

1. 3 year re-evaluation to continue to assess this business

2. Compliance with all City Codes (Building, Landscaping, Fire, etc.),
3. Acquisition of a new business license, and
4. CUP not to be transferable to others

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

There was none.

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

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

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

Started: 5:53 p.m.

Ended: 5:54 p.m.

Item #1.6

**Conditional Use Permit: Home Occupation – 2 Chair Beauty Salon
804 W. 24th Place
Lot 74, Chaparral Heights Subdivision
R-1
Hermelinda G. Salazar**

Ms. Susie De Luna went over the write-up stating the subject site is located 150' west of Holland Road along the north side of 24th Place. The applicant has been running a 2-chair salon since November 2010. All her customers are by appointment only. The last conditional use permit approved for this location was on April 26, 2021 for a period of 3 years. The applicant now wishes to renew her conditional use permit. If approved, the applicant would need to continue compliance with the "home occupations" regulations provided in Sec. 1.56-1 of the Zoning Code.

- **Days / Hours of operation:** Monday through Friday from 10:00 a.m. to 7:00 p.m., and Saturday from 10:00 a.m. to 5:00 p.m. (by appointment only)
- **Staff:** Mrs. Salazar is the only person running the salon.
- **Parking:** There are a total of 3 off-street parking spaces which considering Mrs. Salazar works alone and by appointment only, meets code.

REVIEW COMMENTS: Staff mailed out 32 notices to property owners within 200' radius and as of 6/12/24 staff has not received any comments in favor or against this request. Since the home occupation has been in operation for 14 years without any complaints, staff does not object to an extended approval term.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

1. Continue to comply with the "home occupations" regulations,

2. Continue to comply with all City Codes (Building, Fire, etc.), and
3. CUP not transferable to others

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

There was none.

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

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

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

Started: 5:54 p.m.

Ended: 5:57 p.m.

Item #1.7

Conditional Use Permit: **Beauty Salon in a C-1 (Office Building) Zone**
2407 N. Shary Road, Suite B
Lot 2, Joel Ochoa Subdivision
(aka Unit "C", Mezzaluna Condominium)
C-1
Clarissa Ordonez

Ms. Susie De Luna went over the write-up stating the subject site The 5,190 sq.ft. commercial plaza is located on the NW corner of Fox Run Drive & Shary Road along the north side of Fox Run. The applicant is proposing to open a beauty salon at this C-1 zoned property. A hair/beauty salon service is a permitted use with a Conditional Use Permit in a C-1 zone. The applicant will offer eyelash extensions, microblading, ombre brow, lip blush, permanent makeup and tattoo. Access to the property is provided off of Shary Road.

- **Hours of Operation:** Monday – Saturday from 12pm – 5pm
- **Staff:** 2 employees will operate the business
- **Parking & Landscaping:** Based on the square footage of the building, a total of 16 parking spaces are required for this plaza. There is a total of 24 parking spaces including the handicap that are shared with the other businesses within the commercial plaza.

REVIEW COMMENTS: Staff mailed out 15 notices to property owners within 200' radius and has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

- 1.) Continued compliance with all City Codes (Building, Fire, etc.),
- 2.) Acquisition of a business license, and
- 3.) CUP not be transferable to others

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

There was none.

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

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

Ms. Connie Graza asked on a condition use permit on a first request does the board approve life of use?

Ms. Susie De Luna answered usually staff doesn't but rarely the city has any issues with the type of business.

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

Started: 5:57 p.m.

Ended: 5:59 p.m.

Item #1.8

**Conditional Use Permit: To install 2 level 3 D.C. charger &
2 level 2 chargers (Charging Station's)
805 E. Expressway 83
Lot 1, Spikes Phase 1 & Lots 2 & 3, Spikes Phase 2
C-3
Spikes Motor Company, Inc.**

Ms. Susie De Luna went over the write-up stating the subject site is located approximately at the northwest corner of E. Expressway 83 and Highland Park along the north side of the Expressway 83. The applicant is proposing to install 2 level 3 D.C. chargers and 2 level 2 chargers (Charging Stations). 2 level 3 D.C. chargers charging station will be placed within Spikes Ford parking lot along the Expressway 83 for public use. Access to the chargers would be off of E. Expressway 83 thru a 34' driveway.

- **Days/Hours of Operation:** Monday – Sunday from 9:00am to 8:00pm.
- **Staff:** None, self-operated
- **Parking & Landscaping:** It is noted that the parking spaces are held in common for this commercial. There is a total of 88 parking spaces available for this establishment.

Review Comments: Staff recommends that proper signage be placed for the Charging Station in order to avoid any confusion. Staff mailed out 63 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval for Life of Use subject to:

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

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

Ms. Marisol asked if the applicant was going to do any construction on Spikes Phase 2?

Ms. Susie De Luna stated they aren't doing any construction on Phase 2 stating they own different lots.

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

Chairwoman Ms. Diana Izaguirre asked board if they have any questions.

There was none.

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

Started: 5:59 p.m.

Ended: 6:02 p.m.

Item #1.9

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Xulcan Event Center
2813 E. Griffin Parkway, Ste. C
Lot 1, Adams Crossing Subdivision
C-3
Xulcan Event Center, LLC
c/o Atala Izaguirre**

Ms. Susie De Luna went over the write-up stating the subject site is located near the NW corner of Griffin Parkway & Taylor Road. The applicant has a 1,200' sq.ft. Event Center within a multi-unit commercial plaza that has been in business since March 2024. She hosts small scale events such as birthday parties, gender reveals, reunions, seminars, etc. Access to the site will be provided via a driveway off of Griffin Parkway and Taylor Road. She would like to incorporate the sale & on-site consumption of alcoholic beverages to her business.

- **Hours of Operation:** The hours of operation vary depending on the type of event; however, most of the events are during the evenings and on weekends and typically take place during the hours of 1:00 pm till 2:00 am
- **Staff:** 3-5 employees
- **Parking & Landscaping:** In reviewing the floor plan, the 1,200 sq. ft. building will have 8 tables with 8 chairs for a total of 64 seats. A total of 21 parking spaces will be required for this site. Staff notes that there is a total of 63 parking spaces that area held in common within the commercial plaza. Landscaping is meeting code.
- **Sale of Alcohol (Section 6-4):** of the Zoning code requires such uses to be 300' from the nearest residence, church, school or publicly owned property. There are residential homes directly behind the alley that fall within the 300'; however, P&Z and City Council have waived this separation requirement in other similar CUP's approval.

REVIEW COMMENTS: Staff mailed out 18 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 2-year re-evaluation at which time the applicant will have to renew his CUP and TABC license,
- 2) Waiver of the 300' separation requirement from residential homes,
- 3) Compliance with all City Codes (Building, Fire, Health, and Sign Codes), and
- 4) CUP not be transferable to others

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

There was none.

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

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

There was none.

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

Started: 6:02 p.m.

Ended: 6:04 p.m.

Item #2.0

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Bar-B-Cutie Smokehouse
2211 E. Griffin Parkway, Suite 100
Elizondo 495 Plaza Subdivision
C-3
Orlando Ochoa**

Ms. Susie De Luna went over the write-up stating the subject site is located 300' west of Citrus along the north side of Griffin Parkway (F.M. 495). The applicant has been operating this BBQ business since 2020. The restaurant is located at the west end of the existing commercial plaza. This business previously had a Conditional Use Permit for the sale of alcoholic beverages but their TABC license recently expired, therefore the need to reapply. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on April 11, 2022 for a period of 2 years. Access to the site is from a 35' driveway from Griffin Parkway. The drive-thru service window allows for 3 vehicles to be easily stacked.

- **Hours of Operation:** Monday - Sunday from 11am to 9pm
- **Staff:** 16 Employees in total (2 shifts)
- **Parking & Landscaping:** Based on the 21,705 sq.ft. of the building, there is a total of 58 parking spaces required. There are 139 parking spaces held in common at this location and exceeds the City's requirements for a commercial development of this size.

- **Landscaping:** has been provided as a part of the overall commercial plaza and is meeting code.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within this radius; thus, a waiver of the separation requirement would need to be considered.

REVIEW COMMENTS: Staff mailed out 12 notices to property owners within 200' radius and has not received any comments in favor or against this request. Staff has asked PD for any reports regarding alcohol for this establishment as of this date there has been none. 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. Waiver of the 300's separation requirement from residential neighborhoods,
2. Must continue to comply with all City Codes (Building, Fire, Health, etc.), and
3. CUP not to be transferable to others

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

There was none.

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

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

There was none.

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

Started: 6:04 p.m.

Ended: 6:06 p.m.

Item #2.1

Conditional Use Permit

Renewal:

Sale & On-Site Consumption of Alcoholic

Beverages – The Bungalows on Shary

3700 Plantation Grove Blvd.

Lots 1 & 2, Sharyland Plantation Grove Hotel/Bungalow

PUD

Cantu Bungalows, LLC

Ms. Susie De Luna went over the write-up stating the subject site is located on the SW corner of Plantation Grove Blvd. and Santa Lorena. The last conditional use permit for the sale & on-site consumption of alcoholic beverages for this location was approved by City Council on May 23, 2022 for a period of 2 years. The applicant would like to renew his CUP for the sale and on-site consumption of alcoholic beverages. Staff notes that this would be their 3rd re-evaluation.

- **Staff:** 4 employees for the restaurant

- **Parking:** There are currently several existing parking spaces shared with the various businesses along Plantation Grove Blvd. The applicant is proposing to utilize the majority of their on-site parking spaces but has the flexibility of using additional parking available along Plantation Grove Blvd. There is a total of 331 total parking spaces held in common.
- **Hours of Operation:** Hotel hours of operation are 24 hours a day seven days a week, and Restaurant hours of operation will be from 12:00 p.m. to 10:00 p.m. Monday thru Saturday.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some apartments within this radius (Las Misiones Apartments); thus, a waiver of the separation requirement needs consideration.

Review Comments: Staff mailed out 17 notices to property owners within a 200' radius, and staff has not received any comments in favor or against this request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure. 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. Continued compliance with TABC requirements,
2. No objection to a waiver of 300' separation requirement from Las Misiones Apartments,
3. Continued compliance with all City Codes (Building, Fire, Health Codes, etc.), and
4. CUP not be transferable to others

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

There was none.

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

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

There was none.

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

Started: 6:06 p.m.

Ended: 6:08 p.m.

Item #2.2

Conditional Use Permit

Renewal:

**To Keep a Portable Building
for Office Use – Medicare-EMs
511 W. 11th Street
The East tract of Lots 1 & 2,
Block 178, Mission Original Townsite
C-4
Medicare- EMS, Inc.**

Ms. Susie De Luna went over the write-up stating the subject site is located 200' west of Kika De La Garza Loop along the south side of W. 11th Street. The applicant would like to keep a 76' x

20' portable building that has been used for Medicare EMS services. The applicant mentioned that this office is only used as a hub station the main office is in McAllen. Access to the site is strictly off of W. 11th Street. The last CUP for this location was approved on October 25, 2023 for a period of 6 months. This would be the applicant's 2nd renewal.

- **Hours of Operation:** Monday – Sunday 24/7
- **Staff:** 7 employees will operate the business (usually in the ambulance all day)
- **Parking & Landscaping:** A business office of this size requires a minimum of 7 parking spaces. Staff notes that the applicant would need to comply with the parking requirements, whether the office is being used or not. They will need to add additional landscaping.

REVIEW COMMENTS: It is not uncommon to have portable buildings to be used as an office. Staff knows that having a portable building may not be a long-term desire of the City when considering aesthetics. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Staff mailed out 11 notices to property owners within 200' radius and has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 2-year re-evaluation in order to assess this operation.
- 2.) Continued compliance with all City Codes (Landscaping, maintenance of parking area, etc.), and
- 3.) CUP not be transferable to others

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

Mr. David de los Santos for Medicare EMS lives at 1707 Solar Drive. He stated that they been using it as a station for 911 training. He is wanting to continue using it for training and as classrooms.

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

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

There was none.

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

Started: 6:08 p.m.

Ended: 6:22 p.m.

Item #2.3

Discussion and Action to Recommend to the City Council the closure required by Union Pacific Railroad for Leonor Street being approximately 0.09 of a mile East of the intersection of Schuerbach and W. Business Hwy 83

Ms. Susie De Luna went over the write-up stating On February 29, 2024 staff received a request by Melden & Hunt on behalf of the Killam Development for a proposed railroad crossing and (3) road closures for El Milagro Subdivision. Union Pacific Railroad Company requires that for every new railroad crossing there is at least 2 road closures. However, since the proposed new railroad crossing was wider than normal, Union Pacific Railroad is requesting there be 3 road crossing closures. The request before the Board is to consider the closure of the 2800 Block of Leonor Street. This would be the 3rd road crossing closures.

As part of the request the Union Pacific Railroad also requires that the City of Mission enter into an agreement with the Union Pacific Railroad Company for reimbursement of Preliminary Engineering Services. The Killam Development has agreed to cover the \$25,000 fee estimated for this project since the proposal is for their own development.

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

Mr. Juan Rodriguez stated he lives at 2807 Leonor Street also he is representing his family which where his family are the owners of Beep Beep Meat Market located at 810 N. Schuerbach Road. He had recently been notified of the proposed road closure access crossing over the existing railroad tracks currently connecting to Old Business 83 and Leonor street. He strongly opposed of the proposal as closing the access point will have many ramifications that will affect many including but not limited to the school staff, parents and closing hours of Beep Beep Meat Market. The closure will also lead to high traffic congestion during rush hour. He stated he provided a petition whom are in opposition of the road closure also requesting:

1. Copies of any or all previous information regarding the development and use of the cancellation are in question.
2. A copy of the city attorney's legal opinion regarding the legal rights of the property owners and taxpayers who continue to use the proposed cancellation access roadway crossing area.
3. The reason/s and purpose of Union Pacific road closure request.

Mr. Ruben James De Jesus for Melden & Hunt the does represent the project engineer for the proposed railroad closures he knows there are some concern on the usage. He mentioned as far of the closures it was stated with the Union Pacific which they require for any proposed railroad opening that there has to be 3 road closures as their policy requirement. He included that Melden & Hunt had already presented other options before this railroad closure which is within 400' of the signalize crossing. He said regarding the in access to Tierra Dorada located ½ of south there are 4 accesses 2 on Schuerbach and 2 on Inspiration. He stated they did work with staff to look at different option and they were looking at Campbell street but they determine that this a better to remove the access point from for Union Pacific.

Chairwoman Ms. Diana Izaguirre asked where the other access points located.

Mr. Ruben James De Jesus stated there are 2 on Schuerbach and 2 on Inspiration so they have access points on east and west.

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

Ms. Connie Garza asked if staff is required to notify the residents in the area when doing a closure.

Ms. Susie De Luna answered that staff is required to notify every resident that is within 200' of the location.

Mr. J.D Villarreal asked, so the petition Mr. Juan Rodriguez submitted the signatures within 200' of the location.

Ms. Susie De Luna stated Mr. Juan Rodriguez just submitted the petition at this moment. so, staff has not verified the percentage of the signatures.

The board is having a discussion within the different options of the closure roads.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. J.D. Villarreal moved to approval for the road closure. Ms. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously. Ms. Connie Garza Opposed the Road Closure.

Started: 6:22 p.m.

Ended: 6:33 p.m.

Item #2.4

Discussion and Action to Propose Amendment to Appendix A – Zoning, Article X, Section 1.56 – Conditional Use Permits

Ms. Susie De Luna went over the write-up stating Several concerns have been voiced to the Planning Department staff in regards to the following:

- Signage for Home Occupations, applicants feel they should be allowed a bigger sign like a 4'x4'
- Percentage and notice requirement on waiver of provisions, applicants feel that percentage and notice requirement is too much. Staff should consider maybe 50% and a 200' radius.

Our current ordinance reads as follows:

Section 1.56. Conditions of conditional use.

1. Home occupations:

- a. The area used in conducting the home occupation will be clearly secondary to the residential use. Such permitted occupation shall not create offensive noise, vibration, smoke, dust, odor, heat or glare or require more than four parking spaces.
- b. **There shall be no sign. A nameplate not more than one square foot in area identifying the name of the owner and his title or occupation may be permitted when attached to the main building.**
- c. There shall be no exterior display or alterations indicating that the building is being used for any purpose other than that of a dwelling.
- d. There shall be no more than one additional unrelated employee other than immediate members of the family residing on the premises.
- e. There shall be no outside storage of materials or products.

- f. The permitted use shall not create frequent or heavy traffic greater than ten percent of the average load per hour, per street.
- g. The planning and zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent basis to the city council who shall have the ultimate authority on the matter. With regard to proposed variances to subsections 1.56.1(a), (d) and/or (f), a minimum of 90 percent of the property owners within 500 feet mallout radlus shall provide written support for the proposed home occupation to request variance. Should the 90 percent threshold not be provided, no variance shall be considered.

In an effort to address the concerns voiced to staff, staff did a comparison with the surrounding cities to see what they allow:

<u>City</u>	<u>Sign</u>	<u>Waiver to Provisions</u>
Mission	Nameplate not to exceed one square foot in area containing name and occupation	Yes, 90% property owners within a 500 feet mallout radius
McAllen	Nameplate not larger than two square foot except in R-1 zones	No walvers
Edinburg	Shall not exceed one foot in size	No waivers
Pharr	Sign not more than 18" x 24" name and occupation	No walvers
San Juan	Nameplate not to exceed one square foot in area containing name and occupation	No walvers
Weslaco	1.5 feet x 1.5 feet	No walvers

Staff would like the Board's input on the following suggestions:

- Amend the code to allow a sign affixed to the building
- Sign not greater than 2' x 2'
- Reduce the radius on the waiver to provisions to 200' instead of required 500'

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

There was none.

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

Chairwoman Ms. Diana Izaguirre asked Ms. Susie De Luna if the board hadn't changed this to 200' from 500' wasn't it a big issue sending out a lot of letters and very expensive for the city.

Ms. Susie De Luna explained to the they had been a 200' and a sign on the property instead of send out notices within a 500' and the council is recommending a 4 x 4 and a 200' recommendation of staff is 2 x 2 and a 200' radius.

A discussion within the board members and Ms. Susie de Luna on different options on sign sizes.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Ms. Austin moved to approve a 200' radius and a 1 ½ x 1 ½ sign. Mr. Kevin Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:33 p.m.

Ended: 6:35 p.m.

Item #3.1

**Preliminary & Final
Plat Approval:**

Sonoma Ranch Subdivision

**A tract of containing 38.99 acres of land, being a part or
portion of Lot 30-9, West Addition to Sharyland
R-1**

Developer: Jason E. Garza

Engineer: Javier Hinojosa Engineering

Mr. Gabriel Ramirez went over the write-up stating the subject site is located along the east side of Mayberry Road approximately 1,320' north of Mile 2. — **see vicinity map**. The developer is proposing 183 Single Family Residential lots. Phase I is 22.845 acres and has 108 lots, with Phase II being 16.143 acres and 75 lots. — **see plat for actual dimensions, square footages, and land uses.**

WATER

The developer is proposing to connect to an existing 8" water line located along the west R.O.W. of Mayberry Rd. and extend an 8" water line thru the subdivision providing a 3/4" water service to each lot. This line will be looped into the adjacent property SE of this site. There is a total of 17 proposed fire hydrants via direction of the Fire Marshal's office. — **see utility plan**

SEWER

The developer is proposing to connect to an existing 8" line along and within the R.O.W of Mayberry Road. A proposed 8" Sanitary Sewer line will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$36,600.00 (\$200 x 183 Lots).

STREETS & STORM DRAINAGE

The subdivision will have 2 accesses both from Mayberry Road, with all internal streets being 32' Back-to-Back within 50' Right of Ways.

Drainage shall be accomplished within this development with the placement of curb inlets to intercept drainage runoff. Pipe sizes shall range from 18" to 36" each discharging into proposed detention ponds along the western part of the subdivision. Each pond will be excavated as part of the construction of its phase. The detention pond in phase II will tie to an inlet in phase I with a choked 18" pipe. The phase I detention pond outfall will be along the east side of Mayberry Road extending south to and tie to an existing inlet approximately 170' north of Mile 2 North. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Water District Exclusion and Assignment of Water Rights or payment of \$3000 per ac. ft.

Escrow Park fees (183 Lots x \$500 = \$91,500.00)

Traffic Impact Analysis

Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fees

2. Payment of Park Fees
3. Provide Water District Exclusion, Assignment of Water Rights or payment of imposed fee, and
4. Submittal of required Traffic Impact Analysis

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

There was none.

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

There was none.

There being no discussion, Chairwoman Ms. Diana Izaguirre entertained a motion. Mr. Jasen Hardison moved to approve the subdivision. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:35 p.m.

Ended: 6:45 p.m.

Item #3.0

**Preliminary & Final
Plat Approval:**

Bryan's Landing Subdivision

A 27.969 acre tract of land out of Lot 29-10,

West Addition to Sharyland

R-1A

Developer: Jorge E. Miranda

Engineer: Izaguirre Engineering Group, LLC

Mr. Gabriel Ramirez went over the write-up stating the subject site is located on the east side of Bryan Road and is approximately 920' north of E. Mile 2 Road. — **see vicinity map.** The developer is proposing 103 single family residential lots. — **see plat for actual dimensions, square footages, and land uses.**

VARIANCE

The developer is requesting variances on area requirements for 88 lots. The minimum lot frontage for lots within a R-1A large lot single family residential district is 75' for internal lots, 80' for corner lots, and the min. lot depth of 120' as per Zoning Code-Article VIII-Sec.1.37-No. 5-Area requirements. Lots 1-14, 18-33, 41-49, 54-76, and 78-103 do not meet one or all of these requirements.

WATER

The developer is proposing to connect to an existing 4" water line with a proposed 12" line located along the west R.O.W. of Bryan Rd. and extend an 8" water line thru the subdivision providing a 1" water service to each lot and looped to an existing 8" main line along the north R.O.W. of Mile 2 Road. This water system will also connect to the adjacent property NW of this site when the infrastructure is in place. There is a total of 12 proposed fire hydrants via direction of the Fire Marshal's office. — **see utility plan.** The developer will be submitting a flow analysis based on their water layout which is outside of the City's scope to install a new 12" main line from Mile 2 Road running north along the Bryan Rd. R.O.W. and end at the SE corner of this development.

SEWER

The developer is proposing to connect to an existing 8" line along and within the R.O.W of Bryan Road. A proposed 8" Sanitary Sewer line will run through the subdivision and collect from each lot through a 4" front and center stub out service. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$20,600.00 (\$200 x 103 Lots).

STREETS & STORM DRAINAGE

The subdivision will have 2 accesses both from Bryan Road, with all internal streets being 32' Back-to-Back within 50' Right of Ways.

Utilizing the 50-year frequency storm event, after development of this subdivision storm water runoff will be detained in a detention pond positioned at the southeast corner of the site and maintained by the HOA. The development surface is to be graded to direct storm water surface runoff towards proposed paved curb and gutter streets. Said storm water will be intercepted by type "A" inlets which will outfall into the detention pond. An outfall pipe will be jack and bored under the existing irrigation canal and bleed out into the City of Mission system at the existing 10 year storm event runoff. The City Engineer has reviewed the drainage report and provided comments (pending submittal of revisions).

OTHER COMMENTS

- Water District Exclusion, Assignment of Water Rights or payment of \$3000 per ac. ft.
- Escrow Park fees (103 Lots x \$500 = \$51,500.00)
- Traffic Impact Analysis
- Submittal of revised drainage report
- Submittal of water flow analysis
- Variance request for lots not meeting the R-1A requirement
- Must Comply with all other format findings

RECOMMENDATION

Due to lack of applicable subdivision requirements, pending data submittals, and revisions to drainage plans and reports. Staff recommends to deny the preliminary plat and its variances.

For the recorded Chairwoman Ms. Diana Izaguirre stepped down, Vice Chairman Mr. Kevin Sanchez took over for item 3.0.

Vice Chairman Mr. Kevin Sanchez asked staff if the item is public hearing?

Mr. Gabriel Ramirez answered yes since staff did send out notices regarding item 3.0 for Bryan Landing.

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

Julian Gonzalez 1204 E. 2 mile which is south of the development. He explains the development is underway all the brush and trees have been cleared at this point. He mentioned in the past he had brought up the concerns during the subdivision processes in terms of the water and traffic. He stated in looking at the note plats he did notice on item 7 to connect drainage to Bryan Rd to Lot A also on the Mile 2 is indicated on the map on the drainage line is a 12" detention line.

Ms. Shelby Shay she lives directly across from where the canal runs. She stated she is very concerned about what is going to happen to the canal and their property is being destroyed. She

questions if they are going to place more trees within the design since the previous owner had placed 4 big trees along the driveway. She stated 90% of the neighbors are against the development. She mentioned either a rock or a stucco fence would prevent children or pets out of the canal which is a big wide canal which is also dangerous. She believes there should be landscaping trees implemented to beautified the city also she would like to know what sq. ft. of the home will being built to maintain the home valve since everybody has invested and took the time and money for the properties.

Ms. Diana Izaguirre lives at 500 Solar Drive representing for Mr. Jorge, stated there has been 2 drainage reports by the drainage district last one was sent June 7th to the city there was a typo from 111 to 103 it has been revised and upload to drainage district. She mentioned they are doing the same development instead of it being 183 to 103 lots instead for the detention point is connected to the 24" inlet that is connecting 18" pipe along Mayberry Road. Also, the trip generation was conducted no traffic analyst was required also the water flow were not requested by fire. She stated they are getting to connects from Bryan Road and 2 Mile Road. The developer got the ability to cross the canal underground with a siphon and connected to the TXDOT inlet. She stated for the square footage which the minimum would be 2,400 sq. ft. also, 75% of the lots are 8,600 sq. ft. which is bigger than previous development.

Janette Cavazos is in favor of the property to gain access so she can get to her property that is located west of the location.

Mr. Joel lives at 1210 E 2 Mile, stated he has a concern with the drainage the blue pipe going across 2 Mile Road from the detention pod to irrigation district then down into the sewer line?

Mr. Gabriel Ramirez answered yes that's what being proposed.

Mr. Joel stated where the blue line stops is where his driveway is located that it slopes from his driveway to the end of 2 mile of his property. He stated the main concern is the drainage and the elevation from when it rains. He questioned once the developer is done with the property who is going to take care of the fence.

Ms. Diana Izaguirre answered the subdivision is going to have an H.O.A since it a private gated community along the subdivision will be cedar wood fence.

Vice Chairman Mr. Kevin Sanchez entertained a motion to close the public hearing. Mr. J.D Villarreal moved to close the public hearing. Ms. Connie Garza seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Mr. Kevin Sanchez asked the board if they had any questions.

There was none.

There being no discussion, Vice Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D moved to "Table". Ms. Connie Graza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#4.0

ADJOURNMENT

There being no discussion, Chairman Mr. Kevin Sanchez entertained a motion. Mr. J.D Villarreal moved to adjourn the meeting. Mr. Jasen Hardison seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:55 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission

**ZONING BOARD OF ADJUSTMENTS
APRIL 24, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Alberto Salazar
Dolly Elizondo
Heraclio Flores Jr.
Humberto Garza

ZBA ABSENT

Ellud Reyna
Marty Gonzalez
Andrew Riddle
Michael De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Alex Hernandez
Irasema Dimas

GUESTS PRESENT

Jamie Noriega
Mike Overly
Uriel Sanchez
Jessica Diaz
Elsa Gress
Francisco X. Castaneda
Juan Salinas

CALL TO ORDER

Chairman Mr. Alberto Salazar called the meeting to order at 4:41 p.m.

CITIZENS PARTICIPATION

Chairman Mr. 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 APRIL 10, 2024

Chairman Mr. Alberto Salazar asked if there were any corrections to the minutes. Mr. Humberto Garza moved to approve the minutes as presented. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO KEEP A 6' 4" REAR SETBACK INSTEAD OF THE REQUIRED 10' UTILITY EASEMENT AT 1362 MARK PLACE, BEING LOT 26, RESIDENTIAL SANTA FE SUBDIVISION, AS REQUESTED BY URIEL SANCHEZ

Ms. Irasema Dimas stated that the subject site is located approximately 130' east of Yosemite Drive along the south side of Mark Place. The regular lot measures 60'x120' a total 7,200 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 20'x20' patio that was built without a permit. This violation was discovered by our Code Enforcement Officer while doing a sweep of the subdivision.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10 & 11	11' Garage/Carport; 1' East & 2' West, 0' Rear, 1 859 sq.ft.	9/15/21	Denied

Staff mailed out 23 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: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Humberto Garza asked if there were denied a variance before?

Ms. Irasema Dimas stated structures were not the lots denied were lots 10 & 11.

Mr. Humberto Garza asked if they were removed?

Ms. Irasema Dimas stated she believes not and the case is still in municipal court.

Chairman Mr. Alberto Salazar asked if the applicant is present.

Mr. Uriel Sanchez lives at 1362 Mark Place, stated he would like to express what went on with the construction in the back. He stated he hired a contractor unfortunately they had trusted that everything was going to be done correctly. It was his first construction to his new home so he didn't have much experience. He stated creating this was a way to get the family to be together. He mentioned that he did make a large investment. He stated the consequence now is there is no permit submitted by the contractor which he admitted that it was his responsibility that he takes the fault on. He mentioned he is requesting a consideration on the setback limitations. He mentioned he believed the setback of 6' were all the way around the property so he thought there wasn't going to be any issue. He stated he did call the utility company to get the exact location of the utility easement, which he mentioned the internet cable line runed parallel also the cement is less then 4" if anything needs to be excavated. He believes if there needs to be any work below it's possible. He stated the cost to modify and remove the pergola would be high. He stated hopefully they can consider the variance request.

Chairman Mr. Alberto Salazar asked the applicant if he got in contact with the utility company.

Mr. Uriel Sanchez stated yes, he has gotten in contact with the 811 number so they can mark the property.

Chairman Mr. Alberto Salazar asked if the applicant received any corresponds?

Mr. Uriel Sanchez stated that he on the letter he provided the board members to read that the letter stated that Spectrum has no conflict. He stated they went out to his property to mark the internet line.

Mr. Humberto Garza asked where did they locate the electric line on his property?

Mr. Uriel Sanchez stated the corner east of his property goes diagonally.

Chairman Mr. Alberto Salazar asked from which corner?

Mr. Uriel Sanchez stated the right east corner of the backyard the electric line starts to the lower left corner. He stated the internet goes through the fence line about a 1' difference from the utility easement.

Ms. Dolly Elizondo asked what year was the pergola built?

Mr. Uriel Sanchez stated it was built 1 year and 2 months ago.

Ms. Dolly Elizondo asked if he was still in contact with the contractor?

Mr. Uriel Sanchez stated no he isn't in contact with the contractor anymore since at the ending of the construction work the contractor was wanting to charge significantly more than originally quote from the beginning. He mentioned because of that he had a disagreement with the contractor and the contractor started to get aggressive and they had to file a police report.

Chairman Mr. Alberto Salazar asked how much did the construction cost?

Mr. Uriel Sanchez stated the construction was \$17,000 plus materials so it was a total of \$22,000.

Ms. Dolly Elizondo asked if there were no permits for the electricity.

Mr. Uriel Sanchez stated he believes no permits were submitted for electricity since there were no permits for construction.

Ms. Irasema Dimas stated the board is to look at the violation setbacks and if they approve the variance for the structure any permit would have to be require for electricity, plumbing, etc. at the building permit stage.

Mr. Humberto Garza stated he would like to see if lot 31 called for inspections or permits.

Ms. Irasema Dimas stated there no permits for lots 31 and 32 the owner owns both lots. They have a case open he has applied for ZBA but he has not granted access to the backyard.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Humberto Garza stated he wants to table the item till they see lots 31 & 32. He stated he motions to table the item.

Ms. Irasema Dimas asked what would happen since they aren't granting them any access to the backyard. She stated the applicant only wants the board to see what is visible from the street which is the carport that he had built. She stated based on the aerial map the staff sees other structures that are in the setbacks and utility easements, staff typically brings everything all at once.

There being no further discussion, Mr. Humberto Garza retracts his motion to table the variance request.

Chairman Mr. Alberto Salazar entertained a motion. Chairman Mr. Alberto Salazar moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.2

TO KEEP A 1' 7" SIDE SETBACK INSTEAD OF THE REQUIRED 6', & TO ALLOW A TOTAL OF 1,927 SQ.FT. WHERE THE MAXIMUM IS 1,264 SQ. FT., AT 2020 FAIR OAK DRIVE, BEING LOT 13, FAIROAKS SUBDIVISION AS REQUESTED BY NORRIS MICHAEL OVERLY

Ms. Irasema Dimas stated that the subject site is located approximately 1,085' east of N. Glasscock Road along the south side of Fair Oaks Drive. The irregular lot measures a total 31,237.3 sq.ft.

The applicant would like the Board to consider the above-mentioned variances: 1) to keep a 20'x37' carport that was built without a permit, and 2) to keep 663 sq.ft. over the 1,264 sq.ft. maximum allowed for accessory structures. This violation was discovered by our Code Enforcement Officer while doing a sweep of the subdivision.

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 the total living area for the home is 3,160 sq.ft. (3,160 x 40% =1,264 sq.ft.)

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 15	3' side setback	10/11/94	Approved

Staff mailed out 17 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this writing, staff received one letter from the property owner to the north in support of the variance request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Ms. Dolly Elizondo asked if there was a letter of approval or denial?

Ms. Irasema Dimas stated it was a letter of approval from the property owner to the north of them are in support of them in the variance request.

Mr. Humberto Garza asked if there was other variance approved in the neighborhood for the same issue?

Ms. Irasema Dimas stated yes we have it was approved for a 3' side setback.

Chairman Mr. Alberto Salazar asked if it was in 1994?

Ms. Irasema Dimas stated yes.

Mr. Heracilio Flores Jr. asked if it's similar to the variance request?

Ms. Irasema Dimas stated the applicant is requesting less than the other neighbor got approved 3' the applicant is requesting 1.7' side setback closer to the fence line.

Mr. Humberto Garza asked if the applicant is still on his side of the property?

Ms. Irasema Dimas stated yes.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Michael Overly lives at 2020 Fair Oaks Drive, stated he is requesting a 1.7' variance inside the 6' side setback. He believes there is no violation of an easement in the side setback because the easement on his property is in the rear of the property. He mentioned that he had a survey of the property from 2012 when he refinanced his property. He also said that he called his contractor in 2017 to design 3 carports with commercial grade material for the carports so it would match the house and it wouldn't depreciate the value. He mentioned it cost him \$8,127.00 for the construction of the carports. He didn't realize that the contractor didn't get a permit. He recently received a letter from code enforcement, which was news for him that there was no permit on file. He called his contractor which said he didn't realize that he needed to get a permit for the carport because it wasn't attached to the house and he didn't increase the footprint of the property.

He stated his neighbor on lot 12 had written a letter of support that they have not had any problems with the carport for the past 7 years. He mentioned that there might be an issue in the future to get fire emergency equipment in between the houses because there is only 11.7' of space between the two properties. He said that both properties have metal roofs and therefore if there was a fire it wouldn't spread to anybody's roof. He mentioned that he has a proposed quote on how much it would cost to disassemble the carport and the cost would be \$22,500.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Heraclio Flores Jr. moved to approve the sole footprint of the carport of the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Heraclio Flores Jr. moved to approve the coverage of the square footage of the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

ITEM#1.3

TO ALLOW A 5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 2114 SABINAL STREET, BEING LOT 15, BLOCK 6 CIMARRON COUNTRY CLUB, SECTION 2, PHASE 1, AS REQUESTED BY FRANK X. CASTANEDA

Ms. Irasema Dimas stated that the subject site located approximately 580' east of Cimarron Drive along the south side of Sabinal Street. The irregular lot measures a total 3,599.87 sq.ft.

The applicant desires to build a residence with a portion of the house within the 6' side setback. Staff notes that the normal requirement for Planned Unit Developments is 0' if fire rated or 6' side setback. The applicant's site plan show compliance with the 0' fire rated wall, however not with the 6' requirement.

Staff notes that ZBA has considered the following variances in this subdivision. However, no variances have been approved for this particular Block.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/17	Approved
Lot 12, Block 10	1.5' W. Side & 4.5' E. Side	2/19/03	Approved
Lot 5, Block 20	4' Side	1/8/02	Approved
Lot 23, Block 20	3' Side	4/9/02	Approved
Lot 5, Block 9	10' Front	7/9/02	Denied
Lot 34, Block 36	18' Garage & 7.8' side	4/20/05	Denied
Lot 1, Block 21	10' Front	9/14/99	Denied
Lot 10, Block 2	7.6' Corner	8/6/08	Approved
Lot 11, Block 10	4' E. Side & 3' W. Side	1/11/00	Approved
Lot 59, Block 20	6" Corner & 36" Rear	7/16/14	Denied
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/19	Approved
Lot 18, Block 9	0' Side & 0' Rear	4/10/24	Tabled

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up, staff received one email in opposition to the request. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. The construction plans can be modified to comply with the required setback.

No Action.

ITEM# 1.4

TO ALLOW A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' & TO ALLOW A TOTAL 1,260 SQ.FT. WHERE THE MAXIMUM IS 800 SQ. FT. AT 1516 CRISANTEMA AVENUE, BEING LOT 187, SOUTH OAKS PHASE III, AS REQUESTED BY JESSICA DIAZ

Ms. Irasema Diams stated that the subject site is located near the W. 16th Street and Crisantema Avenue intersection along the east side of Crisantema Avenue. The irregular lot measures a total 6,000 sq.ft.

The applicant would like the Board to consider the above-mentioned variances: 1) to keep a 12'x36' carport, 2) 12' x 12' storage shed, 3) a 12' x 23' canopy that were built without a permit, and 4) to keep 460 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. This violation was discovered by Building Inspectors while doing an inspection in the area.

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 the total living area for the home is 1,209 sq.ft.

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 190, Phase III	0' side	2/18/15	Approval
Lot 191, Phase III	0' side	2/18/15	Approval
Lot 292, Phase III	6" side	12/4/19	Approval
Lot 133, Phase III	1' side	12/4/19	Tabled
Lot 189, Phase III	0' side	2/19/20	Approval
Lot 217, Phase III	1' & 2' side & 3' rear	2/16/22	Denied
Lot 261, Phase III	6.6' side	12/21/22	Denied

Staff mailed out 26 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.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Humberto Garza stated if the carport is overlapping the property line?

Ms. Irasema Dimas replied yes.

Mr. Heraclio Flores Jr. asked if the fence is on the other property?

Ms. Irasema Dimas replied yes, its on the adjacent property that its an empty property at the moment.

Ms. Jessica Diaz lives at 1516 Crisantema Avenue, stated when she got the carport she believes the issue was the first pole that was a little bit out. She mentioned she has been fighting the case since 2019 with the municipal court. She said she has been looking for the property owner of the empty lot. She had to go to appraisal district to see if there were any liens on the property. She had tried to look for the property owner multiple times because she is interested of buying the lot. She stated understands there is a concern because of fire hazards but she doesn't have any neighbors on that side. She mentioned that they had told her that the first pole was on the setback and she was never told she needed gutters. She isn't able to ask Municipal court for the transcripts to see what was said at the time.

Chairman Mr. Alberto Salazar asked that she had said she recently purchased the property?

Ms. Jessica Diaz stated she paid off her property 2 years ago.

Chairman Mr. Alberto Salazar asked if she went through a title company?

Ms. Jessica Diaz replied no.

Chairman Mr. Alberto Salazar asked when did she originally start paying her property?

Ms. Jessica Diaz mentioned she started playing in 2012.

Chairman Mr. Alberto Salazar asked if she had done any improvements to the carport?

Ms. Jessica Diaz stated little by little.

Chairman Mr. Alberto Salazar asked when did she start on the carports?

Ms. Jessica Diaz stated she started the improvements in 2018 on the larger carport. She mentioned that she had just moved the other carport which is located in the rear of her property. It used to be where she had lived before she purchased her property. She mentioned that she made an improvement on her carport that's when code enforcement went out and stated she didn't get a permit to build on her setback. She stated since 2019 she has been fighting her case in municipal court and she is going back in May to see what the decision is.

Ms. Dolly Elizondo asked staff a question. She asked so the municipal court usually sends them to back to the board and they would settle the matter with the ZBA board?

Ms. Irasema Dimas stated the reason the Ms. Jessica Diaz case was taking long was because she was being represented by an attorney so they were going back and forth in the municipal court process with that and now she doesn't have any representation. Now she is representing herself and is presenting her item to the ZBA board.

Mr. Heraclio Flores Jr. asked if they can rule on somebody else's lot?

Ms. Irasema Dimas stated no they cannot rule on somebody else's lot.

Mr. Humberto Garza stated he isn't comfortable approving anything on private property. He stated it's different when somebody is here to say it's okay to build on their property.

Ms. Irasema Dimas mentioned she knows the applicant has intentions of buying the property but until it becomes her property, when can't support the variance.

Mr. Humberto Garza asked the applicant if she has contacted the property owner?

Ms. Jessica Diaz stated she has mentioned to the municipal court that she has tried to reach out to the property owner but has been unsuccessful.

Mr. Humberto Garza asked if she has a contract with her that she gave the property owner money?

Ms. Jessica Diaz stated no she doesn't have a contract with the property owner. She mentioned that the property owner is in the army since 5 years ago and she said they were going to come to an agreement before they make any contract or start paying the property owner. She said she has been maintaining the property when the grass starts growing or when there is a storm she fixes it.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dolly Elizondo stated there is a precedence for the side setbacks the issue is that she is in someone else's property. If they were to approve the request would mean that they are basically allowing the applicant to take over the property that they don't own.

Mr. Humberto Garza stated if she owned the property it wouldn't be an issue.

Ms. Irasema Dimas mentioned if she owned the property there wouldn't be an issue because the 2 properties would be 1 lot and there wouldn't be a setback issue.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to deny the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.5

TO KEEP A 4' FRONT SETBACK INSTEAD OF THE REQUIRED 20', A 4' SIDE SETBACK TO THE SOUTH, A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6, A 13' 6" REAR SETBACK INSTEAD OF THE REQUIRED 15' & TO ALLOW A TOTAL 1,143 SQ. FT. WHERE THE MAXIMUM IS 800 SQ. FT. AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH AS REQUESTED BY JUAN SALINAS

Mr. Alex Hernandez stated that the subject site located along the east side of Blake Street, near the Blake/Miracle Lane Intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12' x 15' storage shed, 3) a 15'x 15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020 and the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance had been revised by the P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed an open carport to be 8' in the front and 4' from the sides. In November 8, 2021 P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

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 the total living area for the home is 1,249 sq.ft.

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 67	2' Side Setback	6/12/01	Approval
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied

Staff mailed out 23 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.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

No Action.

ITEM# 1.6

TO ALLOW A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' & TO ALLOW A TOTAL 2,061 SQ. FT. WHERE THE MAXIMUM IS 1,008 SQ. FT. AT 2109 W. 30TH STREET, BEING LOTS 43 & 44, LA HACIENDA ESTATES, AS REQUESTED BY JAIME NORIEGO

Mr. Alex Hernandez stated that the subject site located approximately 300' east of Moorefield Road along the south side of W. 30th Street. The lots measures 106'x 120' & 60'x120' for total of 19,920 sq.ft. combined.

The applicant would like the Board to consider the above-mentioned variance to keep a 16'x75' sports pavilion, and to keep 1,053 sq.ft. over the 1,008 sq.ft. maximum allowed for accessory structures. This violation was discovered by our Code Enforcement Officer while doing a sweep of the subdivision.

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 the total living area for the home is 2,519 sq.ft. (2,519 x 40% =1,007.6 sq.ft.)

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>
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Staff mailed out 28 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.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

Ms. Dolly Elizondo asked if the gas line is an active gas line?

Mr. Alex Hernandez stated yes.

Mr. Heraclio Flores Jr. asked so they can't build on top?

Mr. Alex Hernandez stated that is correct.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jamie Noriego stated he constructed the batting cage for his son who is in 7th grade. He mentioned his son has been playing tee ball since he was 3 years old. He had contacted a contractor to build the batting cage and was told he was already out of city limits so he didn't need a building permit. He stated he called 811 so they can mark the gas lines and electrical lines and power lines. He stated it was a big invest he made for his son. He mentioned if needed to get removed he would need to take out a loan in order to do the modifications. He mentioned the removal of the structure would be around \$5,000. He said he spoke with Mr. Alex Hernandez to see if they were any possible modification he can make.

Chairman Mr. Alberto Salazar asked the applicant what grade his son is in?

Mr. Jamie Noriego stated his son is in 7th grade.

Ms. Dolly Elizondo asked Mr. Jamie Noriego that he was told that since he was outside the city limits he didn't need a permit by the contractor is that correct?

Mr. Jamie Noriego stated yes.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dolly Elizondo stated the structure is very movable what concerns her was the active gas lines.

Mr. Alex Hernandez stated that he sat down over an hour with applicant to see how they can place the structure in the property.

Mr. Humberto Garza ask if the structure is over the gas line.

Mr. Alex Hernandez stated that a portion on the west side of the structure.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Ms. Dolly Elizondo moved to approve the variance request based on the footprint only. Mr. Heraclio Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.7

TABLED: TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' REAR SETBACK AT 117 RIO GRANDE DRIVE, BEING ALL OF LOT 18, BLOCK 9, CIMARRON COUNTRY CLUB PHASE I SECTION II, AS REQUESTED BY JESUS ORDORICA

Mr. Alex Hernandez stated that the item was previously tabled on February 21, 2024 in order to allow the applicant an opportunity to get with the HOA.

The subject site is located approximately 460' east of Cimarron Drive along the north side of Rio Grande Drive. The irregular lot measures a total 9,096 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5'x20' storage shed and a 21'x20' carport, that were built without a permit.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 5, Block 9	10' front	7/9/02	Approved
Lot 8, Block 9	15.3' garage	4/17/19	Approved

Staff mailed out 15 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 within 45 days.

No Action.

ITEM# 1.8

TABLED: TO KEEP A 7' GARAGE SETBACK INSTEAD OF THE REQUIRED 18' GARAGE SETBACK, AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 1808 W. 15TH STREET, BEING LOT 245, SOUTHERN OAK PH. 3, AS REQUESTED BY ELSA M. GRESS

Mr. Alex Hernandez stated that item was previously tabled on January 17, 2024 at the request of the applicant since the applicant lives out of town and wanted to be present.

The subject site is located approximately 130' west of Crisantema Avenue along the north side of W. 15th Street. The lots measures 60' x 105' for a total 6,300 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 16.6'x20.10' carport and a 7'x12' shed, which were built without obtaining the proper permits. Staff notes that the structure on the rear of the property shown on the aerial has been removed.

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 190, Phase III	0' side	2/18/15	Approval
Lot 191, Phase III	0' side	2/18/15	Approval
Lot 292, Phase-III	6" side	12/4/19	Approval
Lot 133, Phase III	1' side	12/4/19	Tabled
Lot 189, Phase III	0' side	2/19/20	Approval
Lot 217, Phase III	1' & 2' side & 3' rear	2/16/22	Denied
Lot 261, Phase III	6.6' side	12/21/22	Denied

Planning Staff was denied access to the rest of the property; therefore, we were unable to get the measurements on other encroachments.

Staff mailed out 40 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 within 45 days.

No Action.

2.0 OTHER BUSINESS

3.0 ADJOURNMENT

There being no further business, Ms. Dolly Elizondo moved to adjourn. Mr. Heralico Flores Jr. seconded the motion. Upon a vote, the motion passed unanimously at 5:44 p.m.


 Albert Salazar, Chairman
 Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
MAY 29, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Andrew Riddle
Alberto Salazar
Heraclio Flores Jr.
William F. Ueckert Jr.
Romeo Sanchez
Humberto Garza
Michael De Leon

ZBA ABSENT

Dolly Elizondo

STAFF PRESENT

Susle De Luna
Jessica Munoz
Irasema Dimas

GUESTS PRESENT

Rosalva Salinas
Jesus Ordorica
Ricardo Diaz Miranda
Roasllinda Trevino
Jose G. Trevino
Sylvia Reyna
Juan Salinas
Apolinar Reyes
Anthony Prats
Larry Fair
Daniel Guillen
Francisco Castaneda

CALL TO ORDER

Chairman Mr. Alberto Salazar called the meeting to order at 5:32 p.m.

CITIZENS PARTICIPATION

Chairman Mr. 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.

Conflict of Interest – Mr. Andrew Riddle for items 1.1, 1.6, and 1.9 and Mr. Humberto Garza for Item 1.2.

APPROVAL OF MINUTES FOR APRIL 24, 2024

Chairman Mr. Alberto Salazar asked if there were any corrections to the minutes. Mr. Andrew Riddle moved to approve the minutes as presented. Mr. Michael De Leon seconded the motion. Upon a vote, Mr. William F. Ueckert Jr. and Mr. Romeo Sanchez abstained since they weren't present to the meeting prior. The motion passed unanimously.

ITEM #1.1

TO ALLOW A 5' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 2114 SABINAL STREET, BEING LOT 15, BLOCK 6 CIMARRON COUNTRY CLUB, SECTION 2, PHASE 1 AS REQUESTED BY FRANK X. CASTANEDA

Ms. Irasema Dimas stated that the subject site is located approximately 580' east of Cimarron Drive along the south side of Sabinal Street. The irregular lot measures a total of 3,599.87 sq.ft.

The applicant desires to build a residence with a portion of the house within the 6' side setback. Staff notes that the normal requirement for Planned Unit Developments is 0' if fire rated or 6' side setback. The applicant's site plan shows compliance with the 0' fire rated wall, however not with the 6' requirement.

Staff notes that ZBA has considered the following variances in this subdivision. However, no variances have been approved for this particular Block.

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/17	Approved
Lot 12, Block 10	1.5' W. Side & 4.5' E. Side	2/19/03	Approved
Lot 5, Block 20	4' Side	1/8/02	Approved
Lot 23, Block 20	3' Side	4/9/02	Approved
Lot 5, Block 9	10' Front	7/9/02	Denied
Lot 34, Block 36	18' Garage & 7.8' side	4/20/05	Denied
Lot 1, Block 21	10' Front	9/14/99	Denied
Lot 10, Block 2	7.6' Corner	8/6/08	Approved
Lot 11, Block 10	4' E. Side & 3' W. Side	1/11/00	Approved
Lot 59, Block 20	6" Corner & 36" Rear	7/16/14	Denied
Lot 6, Block 33	24.5' Rear	3/16/16	Approved
Lot 8, Block 9	15.3' Garage	4/17/19	Approved
Lot 18, Block 9	0' Side & 0' Rear	4/10/24	Tabled

Staff mailed out 23 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up, staff received one email in opposition to the request. Staff notes that if a variance is approved it would set precedence. On May 7th the applicant submitted an email from the Architectural Committee for Homeowners Association of Cimarron, Inc. approving the plans as proposed.

RECOMMENDATION: Staff recommends denial. The construction plans can be modified to comply with the required setback.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Andrew Riddle stated to confirm that it's in compliance with the Fire wall?

Ms. Irasema Dimas confirms with the 0' lot line it's in compliance with the fire wall.

Mr. Andrew Riddle asked if the H.O.A. is okay with it?

Ms. Irasema Dimas stated they received an email from the H.O.A and they stated that is okay with them.

Mr. Romeo Sanchez asked if the lot was regular or an irregular lot?

Ms. Irasema Dimas stated it is an irregular lot.

Mr. William F. Ueckert Jr. asked when was the plat approved for Cimarron Country Club?

Ms. Irasema Dimas said around 1978 or 1980.

Mr. Frank X. Castaneda lives at 2114 Sabinal Street, stated he asking a variance for the encroachments on the rear which are the encroachment of the 6' side setback. He said since

the lot is irregular so the homes are crowded together and have a 0' setback and majority lots in the subdivision have encroachment to a 6' setback on Sabinal street.

Chairman Mr. Alberto Salazar asked the applicant if he got a letter from the H.O.A
Mr. Frank X. Castaneda stated yes, he does.

Mr. William F. Ueckert Jr. asked if there was a fire wall?

Ms. Irasema Dimas stated that he is proposing the fire wall at the 0' lot line and he is not proposing the fire wall on the 6' setback.

Mr. Michael R. De Leon asked staff how much on the side setback is he asking to encroach?

Ms. Irasema Dimas stated he is asking for 1' to be allowed to be built at the 5' side setback Lot line instead of the 6' side setback.

Mr. Romeo Sanchez stated he is presuming that it's a new construction.

Ms. Irasema Dimas said yes, it's a new construction.

Mr. Romeo Sanchez said if the applicant has considered to modify the plans to offset the side setback to comply.

Mr. Frank X. Castaneda said unfortunately since the plans already were approved by the bank and in the process of the mortgage; everything is situated with the homeowners.

Mr. Romeo Sanchez explains that it can be a simple procedure to just push it an 8" back.

Mr. Frank X. Castaneda stated it would but then it would affect everything would be a push back for the second floor.

Mr. Michael R. De Leon asked what is the sq. ft. of the home he is going to build?

Mr. Frank X. Castaneda said 3,013 sq. ft. is the overall of the sq. ft. of the home.

Mr. Michael R. De Leon asked what is the sq. ft. on the first floor?

Chairman Mr. Alberto Salazar stated the sq. ft. is 1,013 sq. ft.

Chairman Mr. Alberto Salazar asked if the applicant had discussed the issue of the setbacks to the engineer that drafted the plans up for him.

Mr. Frank X. Castaneda answered he had Pena Engineering to create a survey of the lot and he indicated there is a 5' easement and he didn't place 6' side setback on the site plat so he was under the impression that he had with a 5' on the side setback so they drafted up the plans and had submitted them to building permits but was denied due to the side setback not being into compliance.

Mr. William F. Ueckert Jr. asked the applicant if the bank is requesting the 6' side setback.

Mr. Frank X. Castaneda stated the survey was created for his benefit.

Mr. Romeo Sanchez asks the applicant what is the reason behind the effect of the second floor since the whole floor would be moving 6".

Mr. Frank x. Castaneda stated if would affect the first floor it would be encroaching into the bathroom and push everything in the kitchen area he also said that it would be affecting the master bedroom.

Mr. Romeo Sanchez stated the applicant has to comply with the bulding restrictions and if he were to comply with the setbacks and modify the plans a little bit and be complying.

Mr. Frank X. Castaneda said he is attending the meeting on behalf of the property owner. The property owner is wanting the plans to stay as to see if they are going to allow him to proceed with the original house plans.

Mr. Romeo Sanchez said since it is built already they could just modify the plans without any problems.

Mr. Frank X. Castaneda stated yes, he understands that he can modify the plans but that is why he is making the requested before they start any construction. Unfortunately, he did get a response with the planning examiner saying they are encroaching on the side setback. He stated that if you were to drive down the street you would see the other house in the neighborhood that they were all stacked up against each other.

Chairman Mr. Alberto Salazar asked that if there was anyone in favor or against this variance.

Mr. Anthony Prats lives at 2110 Sabinal Street, has been a resident of mission and homeowner in Cimarron for 30 years. He states he has a few concerns regarding the side setback. He said that 2 days ago the lot was measures with wood markers were placed at different points already the front measuring 5' to 2' down in the rear. He explains that its very close to his property. He stated he objects to the variance request since the applicant is too close to his property. Also, he is concern about lack of privacy and compromising his property.

Mr. Michael R. De Leon stated the variance request for the meeting is for the side setback only and not about the height of the house that's going to be built. He asked Mr. Anthony Prats if he is okay with a 5' setback.

Mr. Anthony Prats answered yes he is okay with a 5' side setback.

Mr. Romeo Sanchez asked Mr. Anthony Prats if the lot was going 5' to 2' so it's getting closer to the property.

Mr. Anthony Prats answered he doesn't understand why the property line can't be straight since its not an irregular lot.

Ms. Irasema Dimas mentioned to Mr. Andrew Riddle isn't allow to vote on this item.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Michael R. De Leon moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, Mr. Andrew Riddle abstains, the motion passed unanimously.

Mr. Humberto Garza stated he was going to move to approve but then he notices a 2' setback so that hold him back to approve of a 2' side setback request. He said if you were to approve a 5' setback then it would be okay since the subdivision was recorded prior to 1998 would be okay under developer board rules but the applicant is proposing 2'.

Mr. Frank Castaneda answered he is proposing a 5' side setback.

Mr. Romeo Sanchez asked the applicant if they had already started the measuring for the foundation?

Mr. Frank Castaneda answered yes, they started to measure for the foundation.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to approve the variance request. Mr. Michael R. De Leon seconded the motion. Upon a vote the motion passed unanimously. Mr. Andrew Riddle abstains.

ITEM #1.2

TO KEEP 1) A 14' FRONT SETBACK INSTEAD OF THE REQUIRED 20', 2) A 4' SIDE SETBACK TO THE SOUTH, 3) A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6', 4) A 13.6' REAR SETBACK INSTEAD OF THE REQUIRED 15' AND 5) TO ALLOW A TOTAL 1,143 SQ. FT. WHERE THE MAXIMUM IS 800 SQ. FT., AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH AS REQUESTED BY JUAN SALINAS

Ms. Irasema Dimas stated that the subject site is located along the east side of Blake Street, near the Blake/Miracle Lane Intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12'x15' storage shed, 3) a 15'x15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020; the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance was revised by P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed open carports to be 8' from the front and 4' from the sides. In November 8, 2021; P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

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 the total living area for the home is 1,249 sq.ft.

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 67	2' Side Setback	6/12/01	Approved
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied

Staff mailed out 23 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.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Juan Salinas lives at 919 Blake Street, stated he is willing to move the carport pole to 1' in on the side setback move the pole in 4' for the front setback.

Mr. Romeo Sanchez asked the applicant why he didn't get a permit for the carport?

Mr. Juan Salinas stated he got a permit for the concrete.

Chairman Mr. Alberto Salazar asked if there was anyone in favor or against this variance.

There was none.

Mr. Humberto Garza abstained from the item since he lives in the area.

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

Mr. Romeo Sanchez stated there is a total of five violations on the property.

Chairman Mr. Alberto Salazar stated to take care of the 12' x 15' shed issue first he explains that the applicant is over by 3' side setback and 1' 6" rear setback.

Mr. Andrew Riddle asked If it accurate that it was built in 2009?

Ms. Irasema Dimas answered that is correct it was built in 2009.

Mr. Romeo Sanchez asked if it was a portable shed.

Chairman Mr. Alberto Salazar asked the applicant what kind of floor is?

Mr. Juan Sallnas answered that it's the foundation.

Chairman Mr. Alberto Salazar and Mr. Michael.R. De Leon stated its not portable structure.

Mr. Romeo Sanchez said there seem to be a history on the shed structure. He asked when was the structure built?

Ms. Irasema Dimas answered it what built in 2009.

Mr. Romeo Sanchez asked staff when was the carport built?

Ms. Irasema Dimas stated the carport was built In 2015.

Mr. Romeo Sanchez said it was just a few years later and there was another violation. He asked when was the gazebo was built in?

Ms. Irasema Dimas answered It was built in 2015 and the carport was built in 2018.

Mr. Andrew Riddle stated if the board was to approve the rear setback he would ask for the utility line to be marked since the gazebo and shed are on the rear setback.

Chairman Mr. Alberto Salazar asked staff if they can make a suggestion to verify if there were lines in easement if the board was to approve the rear setback.

Ms. Irasema Dimas stated If you look at the plat of the subdivision you will see on the rear of the property he has 15' utility and irrigation easement.

Mr. Humberto Garza stated since he lives in the neighborhood he will not be voting on this item but for the record in this section of the subdivision there is a bunch of violations that are not permitted over the easements.

Mr. Romeo Sanchez asked if the board was going to vote on the carport separately.

Chairman Mr. Alberto Salazar answered yes.

Mr. Michael R. De Leon explains they could consider to vote on the financial hardship.

Mr. Romeo Sanchez said he agrees.

Chairman Mr. Alberto Salazar explains they could look on financial hardship if the cost of the compliance with zoning ordinance is greater than 50% of the appraise value of the structure or compliance of the lost of the lot on which the structure located at least 25% of the area which the development physically occurred.

Mr. Andrew Riddle stated he would have to entertain the motion of financial hardship since the demolish of the structure and concrete would cost around the double-digit he would assumed.

Mr. Romeo Sanchez said he would assumed that the structure could be salvaged. He said it would be place where it needs to be that its portable all the applicant can do is cut the anchor bolt and slide it portable it just on a piece of slab. He stated his problem is there are a lot of violatons without a permit.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Heraclio Flores Jr. moved to approve the shed subject to obtain the 811 letter pending verification of the utility easement. Mr. Michael R. De Leon seconded the motion. Upon a vote, the motion passed unanimously Mr. Romeo Sanchez against the motion to approve. Mr. Humberto Garza abstained.

Chairman Mr. Alberto Salazar mentioned they will be voting on the gazebo. He asked staff what is the extent on the gazebo is it the foundation or the overhang.

Ms. Irasema Dimas said she believes the gazebo is based on the sq. ft. because the applicant is meeting setbacks. She mentioned it is also for the total sq. ft. She added the board can make a motion the sq. ft. to see if the board let them keep the sq. ft. as is or if the need to modify.

Chairman Mr. Alberto Salazar stated the applicant already made modifications to move 1' in right side setback from the 0' lot line. Chairman Mr. Alberto Salazar mentioned the board has not liked the 0' lot line because the applicant can later enclose the carport. He said the applicant is willing to move 4' back from the front setback.

Mr. Romeo Sanchez mentioned if you looked at the house you would see the house doesn't have violations and it was complying but now they decided to built it but they aren't in compliance any more.

Chairman Mr. Alberto Salazar stated he agrees but they are there to take care of the motion.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the varlance request for the carport. Mr. Andrew Riddle seconded the motion. Upon a vote, the motion passed unanimously. Mr. Humberto Garza abstained.

Ms. Irasema Dimas mentioned on the carport that the board just voted on denial he still move the poles to comply with the setback he can still keep the structure of the roof so now the board has to vote on the sq. ft. to see if the board is going to allow him to keep total sq. ft. the applicant has currently on the property.

Mr. Andrew Riddle asked the board members if they understood the next motion.

Ms. Irasema Dimas explains they have an ordinance on any accessory single-family residential lot they are only allowed to have up to 800 sq. ft. unless the living area sq. ft. is over 2000 sq. ft. they are allowed 40% of the square footage of the home. She explains in the case the applicant house measures 1,249 sq. ft. so the maximum allowed square footage is 800 sq. ft. for accessory structures.

Mr. William F. Ueckert Jr. asked staff if the 800 sq. ft. can include the gazebo plus the storage and if he moves the carport to meet the 800 sq. ft. the applicant would be complying?

Ms. Irasema Dimas stated that staff gives the applicant the option to decide what he is wanting to modify to comply with the 800 sq. ft. she explained staff doesn't tell the applicant what to remove off of their property. she stated if the board is wanting to give him the variance of removing a structure from his lot the board can and if not, he would choose which structure to modify.

Mr. Michael De Leon stated the board could table the two items.

Ms. Irasema Dimas asked which 2 items?

Mr. Michael De Leon answered the gazebo and the carport.

Ms. Irasema Dimas stated the board already has the item in the agenda which the board could approve one and deny the other one. She explained the applicant can still keep the roof of the carport and he can modify the poles to comply with the setbacks.

Mr. Romeo Sanchez asked what do you mean by leave the roof structure of carport?

Ms. Irasema Dimas answered the applicant can do the overhang of the carport in order to leave the roof.

Mr. Romeo Sanchez asked if we have an ordinance for the overhang?

Ms. Irasema Dimas stated yes, we have allowed it in the past.

Mr. Romeo Sanchez asked if we have it in the ordinances?

Ms. Irasema Dimas answered it is allowed.

Mr. William F. Ueckert Jr. asked if the overhang is considering not a part of the building?

Ms. Irasema Dimas stated no.

Mr. Romeo Sanchez stated he had issues because it's a fire hazard even if there's a fire that's where its going to pass over. He explains that its steel but we would need to be very careful with that if it were wood construction.

Chairman Mr. Alberto Salazar mentioned I don't see the square footage on the carport on the appraisal district information.

Ms. Irasema Dimas explains that for some reason the information is not on the appraisal district which he is probably still not getting taxed on it.

Chairman Mr. Alberto Salazar stated the applicant is pretty close by his calculations the applicant is 550 sq. ft.

Ms. Irasema Dimas mentioned that staff calculated 1,143 sq. ft. of all the structures on the lot.

Chairman Mr. Alberto Salazar asked 1,143 sq. ft.?

Ms. Irasema Dimas answered yes, the applicant is over 343 sq. ft. over the square footage.

Mr. Michael De Leon stated the board can table the last item for the applicant. So he can modify the carport.

Mr. Irasema Dimas explained its up to the board if they want to give the applicant the option to modify the carport before the board acts on the item or the board can make a motion and the staff can hold the applicant to a certain time frame to make the modifications to the carport.

Mr. Michael De Leon mentioned it would give him an incentive to modify the carport.

Chairman Mr. Alberto Salazar said it would have to be modify to 343 sq. ft.

Ms. Irasema Dimas answered yes, its 343 sq. ft.

Chairman Mr. Alberto Salazar asked the staff if the board can give the motion now?

Ms. Irasema Dimas said to the board could ask the applicant.

Chairman Mr. Alberto Salazar asked Mr. Juan Salinas

Mr. Andrew Riddle asked when was the carport built?

Ms. Irasema Dimas stated around 2018 to 2019.

Chairman Mr. Alberto Salazar asked the board if they want to table the item and give the applicant options.

There was discussions on different options to give to the applicant on modifications. There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to table the variance request for the square footage. Mr. Michael De Leon seconded the motion. Upon a vote, the motion passed unanimously. Mr. Humberto Garza abstained.

ITEM#1.3

TO KEEP 1) A 0' REAR SETBACK FOR A STORAGE, 2) A 4.9' REAR SETBACK FOR A PERGOLA INSTEAD OF THE REQUIRED 10', 3) A 2.7' SIDE SETBACK INSTEAD OF THE REQUIRED 6', 4) TO ALLOW A TOTAL OF 1,978 SQ. FT. INSTEAD OF THE MAXIMUM 1,093.60 SQ. FT. ALLOWED AT 1363 GARDEN DRIVE, BEING LOTS 31 & 32, SANTE FE AS REQUESTED BY RICARDO DIAZ MIRANDA

Ms. Irasema Dimas stated that the subject site located approximately 134' east of Yosemite Drive along the north side of Garden Drive. The lots measure 120'x120' for a total of 14,400 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 17'x11.7' pergola, 2) a 6'x8' shed, 3) a swimming pool, 4) 21.4'x11' canopy, and 4) to keep 884.4 sq. ft. over the 1,093.60 sq. ft. maximum allowed. The violations were discovered when the applicant submitted a permit for a pergola that was tagged by Code Enforcement during a sweep in the area. When staff was reviewing the building permit for the initial pergola in question by Code Enforcement, staff checked the aerial and noticed other structures within the property that didn't have permits and were indeed encroaching into the rear and side setbacks.

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 the total living area for the home is 2,734 sq. ft. (2,734 x 40% =1,093.60 sq. ft.)

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10 & 11	11' Garage/Carport; 1' East & 2' West, 0' Rear, 1859 sq. ft.	9/15/21	Denied
Lot 26	6.4' rear	4/24/24	Denied

Staff mailed out 28 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.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Romeo Sanchez asked if the applicant has a permit?

Ms. Irasema Dimas stated No, the applicant didn't get a permit for the structure.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Ricardo Miranda lives at 1363 Garden Drive, since 2007 with his family. He started to build the pool in 2012, he hired a self contractor in 2012. He stated he contacted different companies to remove the structures that aren't in compliance with the setback. He mentioned the total quote would be around 90,000. He stated it's has lot of electrical and plumbing.

Mr. Romeo Sanchez asked if the pool is fenced in?

Ms. Irasema Dimas stated no but the applicant does have a fence along the property.

Chairman Mr. Alberto Salazar asked the staff if everything is to the rear and the side setback?

Ms. Irasema Dimas answered yes everything is in the rear and side setback

Mr. Ricardo Miranda stated he bought the property in 2007 which is lot 31 and since his children started growing so in 2018 he bought lot 32.

Mr. Jose Diaz stated his father built the pergola in 2012. His father wasn't aware about building permits for the pergola. He stated now his father is trying to do the right thing and fix the contractor mistake.

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

Mr. Michael de Leon stated to Mr. Romeo Sanchez statement on the pergola that the applicant can be to move it. he stated he has built a pergola before and it's impossible to move it with all the cement there is probable 6 to 12 bags of cement. The applicant did not put a cost to rebuild the pool he put the cost to remove it only which he thinks the cost would be around over \$50,000.

Mr. Romeo Sanchez suggested the board be lenient since the swimming pool is a big expense and the applicant is not bringing danger to the neighbors or to anybody. He stated the pergola can be relocated.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the pergolas. Mr. William F. Ueckert Jr. seconded the motion. Upon further decision Mr. Romeo Sanchez and Mr. William F. Ueckert Jr. withdrew their motions.

Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to Table the request to provide a detection test of the utility lines there are within the easement; if any and 811 letter from A.E.P. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.4

TO KEEP A 5.5' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 3301 SAN CLEMENTE, BEING LOT 57, SHARYLAND PLANTATION VILLAGE EL JARDIN DE LAS FLORES, AS REQUESTED BY APOLINAR REYES

Ms. Irasema Dimas stated that the subject site is located approximately 242' east of Santa Fe Street along the north side of San Clemente. The irregular lot measures a total 9,346 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5.5'x14' pergola that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision.

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

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.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Chairman Mr. Alberto Salazar asked staff if there is a utility easement in the rear?

Ms. Irasema Dimas stated no.

Mr. Andrew Riddle asked if the H.O.A was involved?

Ms. Irasema Dimas stated she isn't sure if the applicant has been in contact with the H.O.A.

Chairman Mr. Alberto Salazar asked if the applicant had spoken to the H.O.A?

Mr. Apolinar Reyes stated yes, he has spoken to the H.O.A., he just recently purchased this property and when the title went through he thought everything was okay with the survey. Then the same day the H.O.A and city sent a letter saying there is an encroachment on his property. He stated the only issue was the back post and he was willing to make the modification to comply.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

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

Mr. Romeo Sanchez asked if the applicant will be in compliance if he were to move the fence right now?

Ms. Irasema Dimas stated if the fence is on the property line or if he wants to leave a foot off he can they don't have an ordinance against it the applicant is only 7" on the setback.

Mr. Humberto Garza asked staff what is he proposing on the back part.

Ms. Irasema Dimas stated the applicant is proposing to move the back columns in order to brace it with the front.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. William F. Ueckert Jr. moved to deny the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.5

TO KEEP 1) A 7.7' CORNER SETBACK INSTEAD OF THE REQUIRED 10', 2) A 1.9' REAR SETBACK INSTEAD OF REQUIRED 10', AND 3) TO ALLOW A TOTAL OF 868.75 SQ. FT. INSTEAD OF THE MAXIMUM 800 SQ. FT. ALLOWED AT 722 W. 4TH STREET, BEING LOT 6, BLOCK 71, MISSION ORIGINAL TOWNSITE AS REQUESTED BY SYLVIA REYNA

Ms. Irasema Dimas stated that the subject site on the Northeast corner of Holland Avenue and W. 4th Street. The lot measures 50'x150' for a total of 7,500 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) a 22.5'x23.5' carport, 2) a 12'x20' carport, 3) a 10'x10'shed and 4) to keep 68.75 sq.ft. over the 800 sq.ft. maximum allowed. The first carport was built without a permit, the second one was built in 1990 with the house and the shed was moved in 2007.

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 the total living area for the home is 1,348 sq.ft.

Staff notes that ZBA has considered the following variances in this subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 7, Block 33	16.4' Front Setback /5.9' Rear Setback	8/16/17	Approved

Staff mailed out 20 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.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

Mr. Romeo Sanchez asked if there was a permit?

Ms. Irasema Dimas answered that there was no permit.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Ms. Sylvia Reyna lives at 722 W. 4th street, stated she built the porch, the column first then she had submitted the permit and the permit got denied since it was on the setback.

Chairman Mr. Alberto Salazar asked how much did she spend on the porch?

Ms. Sylvia Reyna stated almost \$4,000.

Mr. William F. Ueckert Jr. asked where the other carport was located.

Ms. Irasema Dimas stated the carport was attached to the house.

Chairman Mr. Alberto Salazar asked if anybody was in favor or against?

There was none.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez asked if the carport was up to code?

Ms. Irasema Dimas stated they have not inspected the structure. She stated the application has been submitted to the planning department to go and take photos and measure the structure and the setback. She mentioned staff doesn't have building inspectors inspecting the construction yet.

Mr. Romeo Sanchez stated the structure could be relocated and modified also there is a storage shed.

Mr. Humberto Garza asked Ms. Irasema Dimas is there a utility easement?

Ms. Irasema Dimas stated there is no utility easement run the lines through under the alley.

Mr. Romeo Sanchez asked how long ago was the storage shed built?

Ms. Irasema Dimas stated the shed was built in 2007.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to approve the shed and carport. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle amended the motion to current footprint and allowed the 69 sq. ft. over.

ITEM# 1.6

TO KEEP AN 8' SIDE SETBACK INSTEAD OF THE REQUIRED 15' U.E. AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' U.E. AT 1709 TRINITY STREET, BEING LOT 11, THE GROVES AT CIMARRON, AS REQUESTED BY MIGUEL RIOS

Ms. Irasema Dimas stated that the subject site located approximately 110' west of Frio Drive along the north side of Trinity Street. The regular lot measures 120'x104' for a total of 12,480 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 20'x28' canopy that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the swimming pool nor the storage room. There was an address changed in 2003 from 1621 Trinity to 1709 Trinity.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10	0' Side Setback / 10' Rear Setback	8/16/17	Approved

Staff mailed out 21 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: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 45 days.

Ms. Irasema Dimas stated the square footage isn't an issue its just the setbacks on the request.

Chairman Mr. Alberto Salazar asked any questions for staff?

Mr. Romeo Sanchez asked if there was a permit?

Ms. Irasema Dimas answered there is no permit.

Mr. Romeo Sanchez asked if the dotted line is the designated building area?

Ms. Irasema Dimas answered yes that's correct.

Mr. Romeo Sanchez stated the house is over the setback.

Ms. Irasema Dimas stated that was the overhang of the roof.

Mr. William F. Ueckert Jr. stated that there is a 15' utility easement that the applicant is occupying?

Ms. Irasema Dimas answered yes.

Mr. William F. Ueckert Jr. asked if the staff knew if it was water, sewer, or gas?

Ms. Irasema Dimas stated no, not at this moment.

Mr. Humberto Garza stated it could be any type of utility easement.

Mr. Andrew Riddle asked so the pole is in the over the 10' rear utility easement correct.

Ms. Irasema Dimas it is a 15' utility and electrical easement on the rear setback.

Mr. Humberto Garza asked if the applicant had gotten a variance.

Ms. Irasema Dimas asked which one?

Mr. Humberto Garza answered the swimming pool.

There was discussion on the swimming pool permit.

Mr. William F. Ueckert Jr. asked staff what is the other structure since he saw on the aerial map he saw the house, pool, and other structure.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Miguel Rios stated he can move the offset of the post of the north side of the building of the canopy.

Chairman Mr. Alberto Salazar asked if he was referring to the 20' x 20' canopy?

Mr. Miguel Rios stated yes, to move it 10' back and then brace it he said that he can't go back the 15' it will be unstable. He stated he can be allowed the existing 10' on side setback.

Mr. Romeo Sanchez stated that is 8' on the side setback.

Chairman Mr. Alberto Salazar stated applicant is willing to move the canopy 10' forward to clear the 8' side setback violation.

Mr. Miguel Rios stated he was wanting to leave them where they are located since he isn't able to move them.

Chairman Mr. Alberto Salazar stated that it actually the rear utility easement.

Mr. Miguel Rios stated the pool was built with the house.

Mr. Andrew Riddle asked applicant what year was the house built?

Mr. Miguel Rios stated In 2004 the house was built.

Chairman Mr. Alberto Salazar asked was the house built for the applicant or somebody else?

Mr. Miguel Rios stated it was built for the original owner.

Ms. Irasema Dimas stated she knows there was an address changed so the other permits are on the previous address. She mentioned in that area had some address changes back in the day.

Chairman Mr. Alberto Salazar stated he would want to wait for those permits so they can see those permits.

Mr. Romeo Sanchez mentioned that he saw another structure on the utility easement.

Ms. Irasema Dimas stated Mr. William F. Ueckert Jr. had mentioned it in the beginning of the discussion

Mr. Heraclio Flores Jr. stated It looks like a little restroom.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Humberto Garza moved to Table the varlance request. Mr. Romeo Sanchez seconded the

motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle abstained but requested for the applicant to request a title commitment.

ITEM# 1.7

TO KEEP A 1' FRONT SETBACK INSTEAD OF THE REQUIRED 20' AND A 1.3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AT 3703 CRISANTEMA AVENUE, BEING LOT 113, TAURUS ESTATES NO. 2, AS REQUESTED BY DANIEL GUILLEN

Ms. Irasema Dimas stated that the subject site is located approximately 513' south of Clavele Drive along the west side of Crisantema Street. The lot measures 71.71' x 100.39' for a total 7,199 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 30'x19' carport that was built without a permit. This violation was discovered by the Code Enforcement Division while doing a sweep in the area.

Staff notes that ZBA has considered the following variances in this subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36	7.9' Corner Setback	5/20/20	Approved
Lot 158	0' Rear / 1' Side	4/21/10	Denied

Staff mailed out 33 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. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Daniel Guillen 0' setback construction is near the property line and that is why he is asking for a variance for.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez when was the carport built?

Ms. Irasema Dimas stated in 2019 or 2020

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to deny the variance request. Mr. Romeo Sanchez seconded the motion. upon a vote, the motion passed unanimously.

ITEM# 1.8

TO ALLOW A 7' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4003 AZUCENA STREET, BEING LOT 60, COLINAS DEL RIO PH. 2, AS REQUESTED BY ROSALVA SALINAS

Ms. Irasema Dimas stated that item was previously seen on January 17, 2024 for a 10' front carport setback and a 2.6' rear setback for the shed. ZBA voted to approve the front variance and deny the rear variance. On February 21, 2024, ZBA denied a 5' side setback and 3' rear setback for the gazebo. Now the property owner is proposing to move the poles 4' to have a total of 7' instead of the required 15'.

The subject site is located approximately 70' north of Azalea Street along the west side of Azucena Street. The lots measures 60'x100' for a total of 6,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep the a 15'x17' gazebo; which was built without obtaining the proper permits.

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 19, Phase III	0'Front/5.7' Side	4/21/21	Denied
Lot 59, Phase II	0'Front/3'Side/1'Rear	9/20/23	Approved
Lot 60, Phase II	10' Garage/Carport & 2.6' Rear for the Shed	1/17/24	Approved Garage & Denied Rear
Lot 60, Phase II	3' Rear for the Gazebo	2/10/24	Denied

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

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none

Chairman Mr. Alberto Salazar asked if the applicant was present?

Ms. Rosalva Salinas lives at 4003 Azucena Street, she stated she wanted to see if they will allow the carport modifications and with 7' rear setback.

Chairman Mr. Alberto Salazar asked if there is a side setback

Ms. Irasema Dimas stated yes.

Chairman Mr. Alberto Salazar asked if the board is looking at the shed as well

Ms. Irasema Dimas stated the shed was denied and Ms. Rosalva Salinas stated she already removed the shed.

Chairman Mr. Alberto Salazar asked she is asking for a 3' setback.

Ms. Irasema Dimas stated no she was asking for a 7' rear setback and keep structure on the side setback.

Mr. Romeo Sanchez explains the applicant wants to leave the roof structure.

Chairman Mr. Alberto Salazar asked if there was anyone in favor or against?

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Andrew Riddle stated there are multiple violations of building. He stated she is going to move it over 4' he can't imagine wood handling it over 4' itself

Mr. Romeo Sanchez stated it would require a massive structure to support that.

Ms. Irasema Dimas stated if you were to approve it, staff would require a building permit especially since the gazebo requires light so the gazebo requires an electrical permit as well

Mr. Romeo Sanchez asked if there is a utility easement?

Ms. Irasema Dimas answered yes in the previous request she had provided an 811 letter.

Chairman Mr. Alberto Salazar asked staff so the applicant could make any modifications they would go through the permit process.

Ms. Irasema Dimas stated that yes correct it might be more modifications than what the applicant is proposing based on the structure that would be with the building inspectors to modify with.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Andrew Riddle moved to deny the 15 x 17 gazebo. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM# 1.9

TABLED: TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AND A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 117 RIO GRANDE DRIVE, BEING ALL OF LOT 18, BLOCK 9, RE-SUBDIVISION PLAT OF BLOCK 9 CIMARRON COUNTRY CLUB PHASE I SECTION II AS REQUESTED BY JESUS ORDORICA

Chairman Mr. Alberto Salazar entertained a motion to remove from table. Mr. Romeo Sanchez moved to untabled the variance request. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Irasema Dimas stated that item was previously tabled on February 21, 2024 in order to allow the applicant an opportunity to get with the HOA.

The subject site is located approximately 460' east of Cimarron Drive along the north side of Rio Grande Drive. The irregular lot measures a total 9,096 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 5'x20' storage shed and a 21'x20' carport, that were built without a permit.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 5, Block 9	10' front	7/9/02	Approved
Lot 8, Block 9	15.3' garage	4/17/19	Approved

Staff mailed out 15 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 within 45 days.

Chairman Mr. Alberto Salazar asked if there were any questions for staff?

Mr. Romeo Sanchez stated if its usual no permits on the encroachments. He asked if the carport is fabric cloth?

Ms. Irasema Dimas answered yes.

Chairman Mr. Alberto Salazar stated the board made them go back to H.O.A

Ms. Irasema Dimas stated the board wanted the applicant to go back to obtain H.O.A letter.

Chairman Mr. Alberto Salazar asked if the applicant was present?

Mr. Jesus Ordorica lives at 117 Rio Grande Drive was present.

Chairman Mr. Alberto Salazar asked if the board had any questions for the applicant?

Mr. Romeo Sanchez asked the applicant when was the carport was placed?

Mr. Jesus Ordorica stated the carport was built around 5-6 years in October. The construction started since there was a problem with all the vehicles being out in the street so he decided to build the carport since the slab was already on his property.

Chairman Mr. Alberto Salazar asked if there was anybody in favor or against?

Mr. Larry Fair lives at 122 Rio Grande Drive, stated he is currently the president of the Cimarron H.O.A. He stated they had architectural community at Cimarron they had brought in the issue about 4 or 5 years ago when it was proposed also when it was noticed by the owners in the neighborhood. As far as the H.O.A was concerned; it was built they made an issue and go ahead and let the carport stand as far as it was considered temporary. Also, one of the biggest complaints to the H.O.A had been that a lot of the houses have cars parking on the street. So, the board decided to see if there was any issue after the structure of the carport was built. He stated it faced the alley in rear of house since it wasn't visible from the street. Mr. Larry fair stated there are other houses that have carports on the properties that have been built. He

mentioned that he isn't sure how to address the matter, The H.O.A has bylaws stating that the owners aren't allowed to have any carports on their property.

Chairman Mr. Alberto Salazar asked Ms. Irasema Dimas if the board was to approve the request today, if the applicant decide to move and the new owner decides to enclose the carport to an addition does the H.O.A have regulations or does the H.O.A have no power at all.

Ms. Irasema Dimas stated the new owner decides to enclose the carport they would be able to.

Mr. Romeo Sanchez asked Mr. Larry Fair about the car in violation of the home owner association since the carports aren't allowed in.

Mr. Larry Fair stated the Architectural community association states the carports are not allowed. He mentioned the H.O.A was getting complaints about cars on the street and the carports were a solution. He stated the applicant has currently four vehicles and the bylaws have to have a 2-car garage.

Mr. Romeo Sanchez stated the applicant has a garage on the rear of the property.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Romeo Sanchez moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle abstained.

Mr. Andrew Riddle mentioned he will not be voting on this item but he does want to include Mr. Larry Fair is onto something about the carports even though they are against code the cars do start to stack up on the street and create congestion and hazards on the street.

Mr. Romeo Sanchez stated he understand but the applicant does have garage there they shouldn't be parked in the front on the street.

Mr. Michael De Leon mentioned the applicant has four vehicles.

Chairman Mr. Alberto Salazar said the board is looking at the 5' x 20' storage shed it a portable shed. He mentioned it would be the side setback the board is looking at for the shed.

Ms. Irasema Dimas stated yes the side setback he has a 0' side setback.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the storage shed. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously. Mr. Andrew Riddle abstained.

Chairman Mr. Alberto Salazar stated the board is going to be voting on the 21' x 20' carport it's a steel fabric cloth. He mentioned that he can enclose the structure if the board approve the variance request.

Mr. Romeo Sanchez mentioned the fact they are in violation of the H.O.A then the carport should have been built and it was built without a permit. He feels the carport should be denied.

Mr. Heraclio Flores asked Mr. Andrew Riddle if the cars stacking on the street is a safety concern there is children that live in the neighborhood.

Ms. Irasema Dimas stated if the board was to deny the structure he still has an area to park the vehicles.

Mr. William F. Ueckert Jr. stated the applicant already has an area to park the four vehicles.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny the 21' x 20' Carport. Mr. William F. Ueckert Jr. seconded the motion. Upon a 3-2 vote, with Mr. Humberto Garza and Mr. Michael De Leon opposed the denial. The motion was denied.

ITEM# 2.0

TABLED: TO KEEP A 3' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO ALLOW 323 SQ. FT. OVER THE 3% MAXIMUM ALLOWED FOR STORAGE ROOMS AT 2709 TULIPAN AVENUE, BEING LOT 14, INSPIRATION HEIGHTS, AS REQUESTED BY JESUS CARDENAS

Chairman Mr. Alberto Salazar entertained a motion to remove from table. Mr. Andrew Riddle moved to untabled the variance request. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Irasema Dimas stated that item was previously tabled on April 10, 2024 in order to allow staff an opportunity to get pictures from the inside of the shed. Staff has obtained those pictures and are included on the packet.

The subject site is located at the end of the cul-de-sac of Montecruz Street and Tulpan Avenue. The irregular lot measures a total of 6,425.52 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 17'x19' storage room. The applicant obtained a building permit for a 12.6'x24' shed adjacent to the house on 8/4/22, which staff mistakenly approved due to showing compliance with required setbacks but not factoring the square footage allowed for portable buildings. However, the applicant decided to build a bigger shed and leaving a small distance between the house and the shed. It is noted that this violation was discovered by Code Enforcement Division while doing a sweep in the area.

Section 1.59-4(a) states: An accessory building not exceeding 20 feet in height may occupy not more than 30 percent of the rear yard and unenclosed parking spaces may occupy not more than 90 percent of the area of a required rear yard. An accessory building, however, shall be no closer than 12 feet to the main building and no closer than four feet to any rear lot line.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 7	5' Rear Setback	4/10/2024	Approved
Lot 8	3' Rear Setback	4/10/2024	Approved

Staff mailed out 20 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. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Since it's a self-inflicted violation, staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 45 days.

Chairman Mr. Alberto Salazar asked any questions for staff?

There was none

Chairman Mr. Alberto Salazar asked if the applicant was present?

The applicant wasn't present.

Chairman Mr. Alberto Salazar entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Romeo Sanchez stated the storage shed is a multi-use structure

Ms. Irasema Dimas stated Mr. Jesus Cardenas he is storing the items for future use because he had a warehouse before.

Mr. William F. Ueckert Jr. asked when was the structure built.

Ms. Irasema Dimas stated he obtain the building permit back in 2022 by it was 12.6 x 24 the applicant decide to built it bigger and add a restroom and a sink.

Mr. Williams F. Ueckert Jr. asked the second floor?

Ms. Irasema Dimas stated the second floor was added with the original first permit.

Mr. Andrew Riddle asked if it was approved on the permit.

Ms. Irasema Dimas stated yes mistakenly but it was approved.

Mr. Romeo Sanchez asked if the staff was inspecting it.

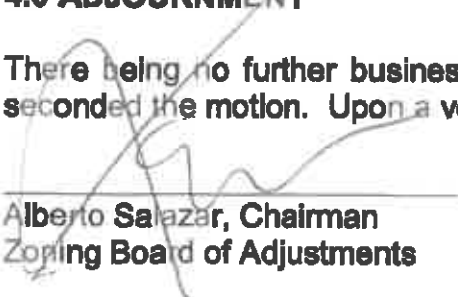
Ms. Irasema Dimas answered no he never called for inspections.

There being no further discussion, Chairman Mr. Alberto Salazar entertained a motion. Mr. Romeo Sanchez moved to deny variance request. Mr. William F. Ueckert Jr. seconded the motion. Upon a vote, the motion passed unanimously.

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further business, Mr. Andrew Riddle moved to adjourn. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously at 7:38 p.m.


Alberto Salazar, Chairman
Zoning Board of Adjustments

**ZONING BOARD OF ADJUSTMENTS
JUNE 26, 2024
CITY HALL'S COUNCIL CHAMBERS**

ZBA PRESENT

Dolly Elizondo
Heraclio Flores Jr.
William F. Ueckert Jr.
Romeo Sanchez
Humberto Garza Garza

ZBA ABSENT

Andrew C. Riddle
Alberto Salazar
Michael R. De Leon

STAFF PRESENT

Susie De Luna
Jessica Munoz
Irasemia Dimas
Alex Hernandez

GUESTS PRESENT

Jose Espinosa
Edi Coronado
Maribel Cavazos
Griselda M. Perez
Jaime Perez
Armando Landios
Della Landois
Ricardo Sierra
Eluid Lopez
Luis Chaves
Gina B. Salinas
Roel Vela
Patricia De La Fuente
Raul Hernandez
Gladys Ramos
Julia S. Montoya
Miguel A. Rios
Carlos A. Trevino
Miguel Nunez
Juan Salinas
Mayra Gonzalez
Manuel Suchil

CALL TO ORDER

Vice Chairman Mr. Heraclio Flores called the meeting to order at 4:34 p.m.

CITIZENS PARTICIPATION

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

There was none.

Conflict of interest – Romeo Sanchez for Item 1.7, and Humberto Garza for items 2.0, 2.2, and 2.6

APPROVAL OF MINUTES FOR MAY 29, 2024

Vice Chairman Flores asked if there were any corrections to the minutes. Mr. Sanchez moved to approve the minutes with corrections. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

TO KEEP AN 8' CARPORT SETBACK INSTEAD OF THE REQUIRED 18' AT 2809 ABBOTT AVENUE, BEING LOT 117, ABBOTT MANOR PHASE I SUBDIVISION AS REQUESTED BY MAYRA L. GONZALEZ

Ms. Irasema Dimas stated that the subject site is located on the southwest corner of W. 29th Street and Abbott Avenue. The lot measures 60'x103' for a total of 6,180 sq.ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 20'x21' metal carport that was built without obtaining the proper permits. The violation was discovered by Code Enforcement while doing a sweep in the area.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 106	11' Front	3/13/2001	Approved
Lot 72	1.5' Front	8/19/2009	Tabled
Lot 151	4' Side	8/19/2009	Approved

Staff mailed out 32 notices to the surrounding property owners within 200' radius to get their input in regards to this request. As of this write up, staff has not received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if he could request that the applicant approach the board.

Ms. Dimas stated that he could request the applicant to approach or ask questions to staff.

Mr. Sanchez asked if permits were obtained.

Ms. Dimas replied no, permits were not obtained.

Mr. Sanchez asked if staff made an error in the processing of this request or what was the reason this item was being seen.

Ms. Dimas stated that this item was being seen, because no permits were obtained for the structures.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against the request.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mrs. Mayra Gonzalez stated that she resides at 2809 Abbott Avenue. She mentioned that she was out of town for two years and when she came back she noticed she was receiving letters from the city. She added that when she paid the person she hired for her construction she never checked if they obtained permits. She stated that she checked with the city if permits were obtained and the person from the city mentioned that she didn't have a permit for the construction she has. She added that she was sure that she had a permit or some short of paper in reference to her construction. She stated that the person she spoke to from the city told her that she only had a permit for the middle part of the construction.

Vice Chairman Flores asked if the board had questions for the applicant.

Mr. Sanchez asked if she stated that she was out of town.

Mrs. Mayra Gonzalez replied "yes".

Mr. Garza asked if she revised the permit application that the contractor did.

Mrs. Gonzalez stated that she was out of town and paid the contractor to do all the process for her.

Ms. Elizondo stated that Mrs. Gonzalez mentioned that she was not present when the construction was being conducted.

Mr. Sanchez stated that he was confused with the setback requirements. He added that staff had 18' garage setback. He mentioned that if that was the current garage.

Ms. Dimas stated it was not a garage that it was a carport.

Mr. Sanchez asked if the carport met the setback requirements.

Ms. Elizondo stated that the setback should be 18' and 8' were left.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against the request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that he had an issue with the front setback.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM #1.2

TO KEEP A 0' SIDE SETBACK TO THE SOUTH AND A 1' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6' AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 10', AT 3009 COPPER AVENUE, BEING LOT 108, FAIRMONT ESTATES AS REQUESTED BY JULIA S. MONTOYA

Ms. Irasema Dimas stated that the subject site is located 72' north of W. 30th ½ Street along the west side of Copper Avenue. The lot measures 60' x 103' for total of 6,180 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep: 1) an 8'x50' metal carport and a 2) 13'x13' pergola that were built without a permit. Staff notes that there is a permit for the gazebo. The violation was discovered by Code Enforcement while 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>
Lot 44	4.4' Rear & 1' Side	5/17/2006	Denied

Staff mailed out 46 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.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Sanchez asked if a permit was obtained.

Ms. Dimas stated that no permit was obtained and that the only permit that was obtained was for the pergola.

Mr. Garza asked if a permit was obtained for the gazebo/pergola and if the permit was approved?

Ms. Dimas replied yes, the permit was approved and obtained.

Mr. Garza asked that if the gazebo/pergola was inspected.

Ms. Dimas replied the gazebo/pergola probably weren't inspected. She added that if the gazebo/pergola were inspected the inspectors would have noticed that it was encroaching into the setback.

Mr. Sanchez asked that if pictures were taken for the gazebo.

Ms. Elizondo stated that the aerial being presented showed it as a pergola.

Mr. Garza asked that if staff can verify if any inspections were done. He mentioned that the pergola looked like it had been there for a long time.

Ms. Dimas stated that she wanted to make a correction. She mentioned that no permit was obtained for none of the structures.

Mr. Garza asked if there was an easement in the rear of the property.

Ms. Dimas stated it was an easement and that the picture was not reflecting the utility easement.

Vice Chairman Flores asked that if the applicant was present.

Mrs. Montoya who resides at 3009 Copper Avenue stated that she purchased the home as is. She added that when she purchased the home they told her that everything was in order.

Mr. Sanchez asked Mrs. Montoya if she purchased the home exactly as is.

Mrs. Montoya stated that she purchased the home as is. She added that it was purchased towards the end of 2016.

Mr. Garza asked if staff sited the other homes in the area.

Ms. Dimas replied yes, "those violations will be seen on this agenda".

Ms. Elizondo stated that this agenda had 3 different items that were in Fairmont Estates.

Mr. Sanchez stated that the home was purchased as is.

Mrs. Julia Montoya stated that the home was purchased as is. She didn't know that she was violating any requirements. She stated that she found out when she started receiving letters in the mail. She mentioned that she called the realtor and was advised that an inspector inspected the home and everything was ok. She added that she spoke to someone that told her that the carport could be modified but if she did the carport would be very narrow for her cars.

Mr. Sanchez stated that it saddens him that the problem was not brought up to her attention before she purchased the home. He added that a survey is usually done before purchasing the home, and that survey indicates all of these problems.

Mrs. Montoya stated that she resided in California when she hired the realtor to do everything for her. She added that the only thing she did was sign the contract and move in. She mentioned that she thought everything was legal. She mentioned that where she came from a permit was needed for everything.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against the request.

There was none.

Vice Chairman Flores asked that if staff kept a list of subdivisions violations.

Ms. Dimas stated that staff has a log with all the cases that go before the board.

Ms. Elizondo stated that she wanted to advise the committee that there was a denial in 2006.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

The first item being discussed is the 13'x13' pergola.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request for the 13'x13' pergola, he stated that his reason for denial was that the pergola was on a utility easement. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the 8'x50' carport.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the 8'x50' carport. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM#1.3

TO KEEP A 7' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 4.6' SIDE SETBACK TO THE WEST AND A 2.6' SIDE SETBACK TO THE EAST INSTEAD OF THE REQUIRED 6', AND A 4.6' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 909 W. 30TH ½ STREET, BEING Lot 50, FAIRMONT ESTATES AS REQUESTED BY RICARDO SIERRA

Ms. Dimas stated that the subject site located approximately 405.70' east of Abbott Avenue along the south side of W. 30th ½ Street. The lot measures 60'x113' for a total 6,780 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 19'x19' carport, 2) a 11'x17' pergola, and 3) an 8'x10' shed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

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 44	4.4' Rear & 1' Side	5/17/2006	Denied

Section 1.371(2) Permitted Uses: (c) of the Mission Code of Ordinances states that: One portable building not more than three percent of the lot's net square footage used for either storage, hobby or other similar uses. Therefore, one storage room will need to be removed from the property.

Staff mailed out 31 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: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores asked that if the applicant was present.

Mr. Ricardo Sierra who resides at 909 W. 30 ½ Street stated that he did consider not being close to his neighbors. He mentioned that a permit was not obtained. He added that since he did consider leaving the space between the neighbors and structures that everything would be ok.

Mr. Sanchez asked that what was the reason a permit wasn't obtained.

Mr. Ricardo Sierra stated that he was not aware of the city requirements. He added that the reason that he built the carport was for safety purposes, and weather.

Mr. Garza asked if he would consider relocating the pergola.

Ms. Elizondo asked that if the storage sheds were movable. He mentioned that in the pictures it appears that the sheds are on cement block.

Mr. Ricardo Sierra stated that the storage sheds are movable. He added that if he would move them that he would need to remove the grapefruit tree. He mentioned that the pergola was on cement and the reason it was built that size was for gatherings.

Ms. Elizondo asked if he had reached out to any utility companies because his structures were over a utility easement.

Mr. Ricardo Sierra stated that when his cable was installed he asked the person working on it that if he would build a pergola if he would need to notify them. Mr. Sierra asked that the person working on his utility line "cable" be moved to the edge so he could plant a tree. He mentioned that the person told him that he could build over it.

Mr. Garza stated the pergola appeared to be bolted to the cement.

Mr. Sierra stated it was a boot that was installed when the cement was built. He mentioned that the 4'x4' was placed on the boot.

Mr. Garza asked if the 4'x4' was in the cement.

Mr. Sierra replied no it's above the cement.

Ms. Elizondo asked that if the pergola had electricity.

Mr. Ricardo Sierra replied "no".

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that he agreed with Mr. Humberto Garza. He mentioned that the applicant can move and salvage the units in the back of his property.

The first item being discussed is the 11'x17' Pergola.

There being no further discussion, Vice Chairman Mr. Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request for the 11'x17' Pergola, he stated that his reason for denial was that the pergola was on a utility easement. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the storage sheds.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request for the shed, he stated that his reason for denial was that the shed was on a utility easement. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously.

Third item being discussed is the 19'x19' carport.

There being no discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the 19'x19' carport. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

Vice Chairman Flores asked that if a motion needed to take place for the second shed.

Ms. Dimas replied no, only one shed is allowed and that information will be addressed in the letter of action.

ITEM# 1.4

TO KEEP A 2' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 0' SIDE SETBACK TO THE SOUTH, A 1' SIDE SETBACK FOR THE NORTH INSTEAD OF THE REQUIRED 6', A 4.6' REAR SETBACK INSTEAD OF THE REQUIRED 10', AND TO ALLOW A TOTAL OF 1,252 SQ.FT INSTEAD OF THE MAXIMUM 800 SQ.FT ALLOWED AT 3008 ABBOTT AVENUE, BEING LOT 38, FAIRMONT ESTATES, AS REQUESTED BY JOSE LUIS ESPINOSA

Ms. Dimas stated that the subject site is located 70' south of W. 30th ½ Street entrance along the east side of Abbott Avenue. The lot measures 60'x102.92' for a total 6,175.20 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 20'x20' metal carport, 2) a 12'x35' carport, which the applicant is proposing to move the post to comply with the setbacks, 3) a 14'x24' covered patio, 4) an 8'x12' shed, and 5) to keep 452 sq.ft. over the 800 sq.ft. maximum allowed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

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 the total living area for the home is 1,344 sq.ft.

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 44	4.4' Rear & 1' Side	5/17/2008	Denied

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.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Ms. Elizondo stated that this item was also in Fairmont Estates.

Vice Chairman Flores asked that if there was anyone in favor or against this request.

Mr. Jose Espinoza who resides at 3008 Abbott Avenue stated that the carport on the side was not a carport it was a patio. He added it was modified to a 26'x8'. He added that the reason the carport in the front was built was to protect his cars from hail damage. He stated that the 12'x35' carport/patio was there when he purchased the home.

Ms. Elizondo asked if one had been modified.

Mr. Espinoza stated yes, to a 26'x8'.

Mr. Sanchez asked that if a permit was obtained for the modifications.

Mr. Espinoza stated that he applied for the building permit but it was denied. He added that when he was at the permits department he advised them that the patio/carport was being modified.

Ms. Elizondo asked Mr. Jose Espinoza you applied for your permit and it was denied. She added you were at mid construction when your permit was denied.

Mr. Jose Espinoza stated that he came to the city to apply for his permits after receiving the letters.

Discussion between the board members continued.

Ms. Elizondo stated that Mr. Espinoza modified the 12'x35' to a 6'x26'. She added that he moved the structure into the setback.

Mr. Garza asked that if staff verified the modification.

Ms. Dimas stated "no".

Mr. Espinoza stated that he was also modifying the 14'x24' covered patio in the rear of his property. He added that when staff went to take pictures of his structures he asked that if he could move his poles and that staff advised him that he could move his poles to 10'.

Vice Chairman Flores asked that if all structures were modified.

Mr. Espinoza stated he has not started on the 14'x24' covered patio.

Vice Chairman Flores suggested that Mr. Espinoza gets all the information from the city for the measurement he needs.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to table the variance request until staff inspects the property. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.5

TO KEEP A 0' CARPORT SETBACK INSTEAD OF THE REQUIRED 18', A 4' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND A 5' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 903 W. 30TH ½ STREET, BEING LOT 47, FAIRMONT ESTATES AS REQUESTED BY EDI CORONADO

Ms. Dimas stated that the subject site is located 225.70' west of Abbott Avenue along the south side of W. 30th ½ Street. The lot measures 60'x113' for a total 6,780 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 22'x24' prefabricated carport and 2) a 20'x10' shed that were built without permits. These violations were discovered by Code Enforcement Division while doing a sweep of the subdivision.

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 44	4.4' Rear & 1' Side	5/17/2006	Denied

Staff mailed out 41 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: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores stated that this subdivision had a lot of violations. He mentioned that Lot 44, Fairmont Estates was denied.

Ms. Dimas stated that Lot 44, Fairmont Estates was the only item that had been seen by ZBA in that subdivision and was denied. She added that the two previous items that were also seen were in the same subdivision.

Ms. Elizondo stated this item was the 3rd item on that subdivision that was being addressed. She asked what was the difference of a prefabricated carports.

Ms. Dimas stated that the city's code doesn't allow prefabricated carports. She added that if the board would grant the variance and the applicant decides to built something other than a prefabricated carport. She would be able to.

Ms. Elizondo stated that if the variance would be granted the applicant would be able to enclose the structure and add an a/c.

Ms. Dimas stated that by granting a variance for any setback violation. Any future owner could enclose the structure and make it into a living area.

Mr. Sanchez stated that the prefabricated carport was also violating the setbacks and a permit was not obtained.

Vice Chairman Flores asked if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mrs. Esmeralda Coronado who resides at 903 W. 30th ½ Street stated that she was not aware a permit needed to be obtained for her carport. She mentioned that the reason it was built was to protect her cars from the bad weather. She added that the shed in the rear of her property was for her and her husband's tools.

Mr. Sanchez asked what was the reason a permit was not obtained.

Mrs. Coronado stated that she was not aware a permit was needed.

Vice Chairman Flores asked that if there was anyone in the public against the request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Romero Sanchez moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dimas stated board member Mr. William Ueckert joined the meeting.

Mr. Sanchez stated the storage shed looked like it was movable.

Ms. Dimas asked if the shed was movable.

Mrs. Coronado replied that it was on blocks.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variances requested for the carport and shed. Mr. Romeo Sanchez stated that the shed was movable. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.6

TO ALLOW A TOTAL OF 11,490 SQ.FT INSTEAD OF THE MAXIMUM ALLOWED 1,487 SQ.FT. AT 1217 RAGLAND ROAD, BEING ALL OF LOT 33, SHARYLAND ORCHARDS AND ALL OF LOT 4, YEWELL SUBDIVISION, AS REQUESTED BY RH CONSTRUCTION

Ms. Irasema Dimas stated that the subject site located approximately 312' north of School Lane along the west side of Ragland Street. The lots measure a total 102,025.13 sq. ft or 2.34 acres.

The applicant would like the Board to consider the above-mentioned variance to allow them to build a 119'x80' storage warehouse with 2 covered concrete slabs.

Accessory structures are allowed on R-1A (Large Lot 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 the total living area for the home is 3,717 sq.ft.

Staff notes that ZBA has not considered any variances within this subdivision.

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.

RECOMMENDATION: Staff recommends denial. Plans can be modified to comply with the maximum square footage allowed.

Mr. Sanchez asked if this item was in the planning process.

Ms. Dimas stated yes, it's in the planning process.

Vice Chairman Flores asked what was the reason for the variance. He asked that if the structure the applicant wanted to build was bigger than the home.

Ms. Dimas replied the percentage was based on the sq. ft. of the home. She added if the home is 2000 sq. ft. there allowed to build 40% for accessory structures.

Mr. Sanchez asked that if the property was an irregular lot.

Ms. Dimas stated that it was an irregular lot. She added that it was two lots.

Ms. De Luna stated it was not an irregular lot.

Mr. Sanchez stated the home was on one lot and the structure being proposed in the other lot.

Ms. Dimas stated the home and the new structure being proposed had the same entrance. She added that the other property didn't have access to the other street.

Mr. Garza stated they were combining both lots together.

Vice Chairman Flores stated it was not a separate lot that had access to a street. He added that the property was land locked.

Mr. Alex Hernandez confirmed that the property was land locked.

Mr. William Ueckert stated the building that the applicant wanted to build exceeded the 40% of what is allowed for accessory structures and the variance the applicant is asking for was on the sq. ft. for accessory structures. He added that what was the storage going to be used for.

Vice Chairman Heraclio asked if the applicant was present.

Mr. Raul Hernandez stated that he was the general contractor for the project. He mentioned that the house was fairly new and now that he is settled in he wanted to bring all his belongings together. He mentioned that his client was renting a warehouse to store all his personal belongings and would like to build the one being proposed to store everything he had. He stated that his client purchased that property because it had enough room to build what he wanted. He added that the property where the warehouse is being proposed showed an abandoned road which is included in the survey.

Mr. Sanchez asked what was the type of construction that was being proposed.

Mr. Hernandez stated it was a metal warehouse.

Mr. William Ueckert asked if any type of business was going to be conducted.

Mr. Hernandez stated it will be used for his personal belongings.

Mr. Sanchez asked where did one lot start and the other one end

Mr. Hernandez stated Lot 4 is the landlocked property which is surrounded by residences.

Ms. Elizondo asked if he owned Lot 3.

Mr. Hernandez stated yes, but the actual home is not within that subdivision where Lot 3 and Lot 4 are. He added that one lot is part of Shary Orchards Subdivision and the other one to Yewell Subdivision.

Mr. Ueckert stated that the lot width was 135.55 ft and the building measured 119 ft which would leave you with 16ft. He added that there was a 10' setback.

Mr. Hernandez stated that the way the building was being proposed met all required setbacks.

Mr. Sanchez asked that if there were any restrictions on what can be built.

Ms. Dimas stated that once the 3 lots are combined it was considered as one. She added that if the proposed structure was being proposed only on lot 4 it would be denied.

Discussion amongst the board in regards to the size of the structure continued.

Mr. Garza asked if the irrigation pipe was abandoned.

Ms. Elizondo stated she sold the property next door and that according to the united irrigation district it was abandoned.

Mr. Romeo asked what was the proposed height.

Mr. Raul Hernandez stated it was 16' high.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Romeo Sanchez moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Romeo Sanchez moved to approve the variance request. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 1.7

TO ALLOW A 10' REAR SETBACK INSTEAD OF THE REQUIRED 20' AT 2503 CARDINAL AVENUE, BEING LOT 36, HIDDEN VILLAGE, AS REQUESTED BY JESUS R. RAMOS

Ms. Irasema Dimas stated that this item was previously seen on January 17, 2024 for a 3' rear setback instead of the required 20'. ZBA voted to deny the variance. Now the property owner is

proposing to move the poles 7' to have a total of 10' instead of the required 20'. It is noted that there is a 10' United Irrigation Easement along with a 10' utility easement.

The subject site is located at the end of the cul-de-sac of E. 25th Street and Cardinal Avenue on the west side of Cardinal Avenue. The irregular lot measures a total 10,944 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 23'x19' canopy and a 10'x10' storage, the canopy was built last year and the shed was moved in in 2021 without obtaining the proper permits.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 36	3' Rear	1/17/2024	Denied

Staff mailed out 15 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 within 60 days.

Ms. Dimas advised the board that Mr. Sanchez would not be acting on this item due to a conflict of interest.

Vice Chairman Flores asked that if the board had any questions for staff.

There was none.

Vice Chairman Flores asked that if there was anyone in favor or against this request.

Mrs. Gladys Ramos was present she stated she was Mr. Jesus Ramos wife. She added that she understood her situation and was going to move the poles 10' that is required. She stated that she was not aware that the storage shed needed to be moved.

Mr. Garza stated the property had two utility easements and that the required ft was 20' ft.

Mrs. Gladys Ramos stated that she was advised it was 10ft.

Mr. Garza stated he was looking at the subdivision plat and it shows a 10' irrigation and a 10' utility easement which equals a total of 20'ft.

Ms. Dimas stated in January when this item was first seen by ZBA a 3' rear setback it was denied. She mentioned what is being proposed now is a 7' rear setback. She added that the applicant would comply with the 10' utility easement but not the 10' united irrigation easement. She stated that this lot had a 20' setback.

Mrs. Ramos stated 20ft.

Mr. Garza stated yes. He added that she could move the carport where the cars were parked.

Vice Chairman Flores asked that if there was anyone in audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Vice Chairman Flores asked if the applicant would call 811 and the report would come back with no utility easements in the property can the applicant re apply.

Ms. Elizondo stated the property was all concrete.

Mr. Garza stated that the concrete could be broken if needed but if a variance was granted that structure could be enclosed at any time.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously. With Mr. Romeo Sanchez abstaining.

ITEM# 1.8

TO KEEP A 0' AND A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 969 SQ.FT INSTEAD OF THE MAXIMUM 800 SQ.FT ALLOWED AT 2018 W. 42ND ½ STREET, BEING LOT 3, TAURUS ESTATES NO. 9, PHASE 2, AS REQUESTED BY ADRIANA GARZA

Ms. Irasema Dimas stated that the subject site is located approximately 130' west of Magdalena Street along the north side of W. 42nd ½ Street. The lot measures 60'x100' for a total of 6,000 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 12'x24 shade carport, 2) a 7'x8' shed, 3) to keep 169 sq. ft. over the 800 sq.ft. 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 the total living area for the home is 1,597 sq. ft.

Staff notes that ZBA has considered the following variances in this subdivision:

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 42, Ph. 3	3" side setback	3/3/21	Approved
Lot 43, Ph. 3	1.6' side setback	3/3/21	Approved
Lot 50, Ph. 3	0' front setback	3/17/21	Approved 10'
Lot 106, Ph. 3	0' corner side, 0' rear setbacks	3/17/21	Approved
Lot 107, Ph. 3	2.3' front & 1' side setbacks	3/17/21	Approved

Lot 118, Ph. 3	3' front/1.10' & 2.8' side & 3' rear setbacks	1/18/23	Approved 3' front, denied side & rear
Lot 158, Ph. 3	2.10' side setback	3/3/2021	Denied

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 write up we haven't received any comments in favor or against the request.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Sanchez asked the aerial showed a picture showed in the presentation indicating that it was built with a permit.

Ms. Dimas stated the structure was modified and a permit was obtained. She added that an inspector verified the modification. She added that the items that are in question are the canopy, and shed.

Ms. Elizondo asked if the shed was in concrete.

Ms. Dimas stated yes.

Ms. Elizondo asked if the canopy had electricity.

Vice Chairman Flores asked if the applicant was present.

Mr. Carlos Trevino was present he stated that he was the son of the property owner. He mentioned that the shade canopy could be moved. He stated that the storage shed is on blocks and could be moved but would like to request if the shed could stay where it's at for now, so it won't block my family members from parking if the shed would be moved where the shade canopy is. He mentioned that he is having family members coming over to grieve his father's death with his mom.

Mr. Ueckert asked what was the estimated time Mr. Carlos Trevino needed to move the storage shed.

Mr. Carlos Trevino stated that whatever the board decides. He mentioned that his family visits his mother several times a week. He mentioned that if he is in San Antonio and is unable to make the trip to the valley he would be unable to help his mother move the storage shed. He stated that if it was a utility issue he would move it when needed. He added that all he needed was time.

Mr. Sanchez asked how much time was needed.

Mr. Trevino stated if it was possible to get 3 months.

Mr. Sanchez stated 45 days.

Ms. Elizondo stated staff is requiring 60 days. She added if it was 60 days plus 2 more months totaling 120 days.

Mr. Trevino stated yes.

Mr. Sanchez stated if the request was only for the storage shed.

Mr. Trevino stated yes.

Mr. Ueckert stated if Mr. Carlos Trevino agreed to move the shade canopy.

Mr. Trevino stated yes, that he was going to move it that week.

Vice Chairman Flores asked that if there was anyone in the public in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. Humbert seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to deny the variance request. Mr. Romeo Sanchez seconded the motion. To include extending the time to comply for the shed to 120 days. Upon a vote the motion passed unanimously.

ITEM# 1.9

TO KEEP A 1' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND TO ALLOW A TOTAL OF 1,120 SQ.FT. INSTEAD OF THE MAXIMUM 800 SQ.FT. ALLOWED AT 214 THORNWOOD DRIVE, BEING LOT 8, BLOCK 2, OVERSTREET SUBDIVISION NO. 2 AS REQUESTED BY DELIA LANDOIS

The subject site is located approximately 875' east of N. Conway Avenue along the south side of Thornton Drive. The lot measures 70'x132' for a total 9,240 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: 1) a 12'x20' pre-fabricated carport that was built without a permit and 2) to keep 320 sq.ft. over the 800 sq.ft. maximum allowed. This violation was discovered by the Code Enforcement Division while doing a sweep in the area.

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 the total living area for the home is 1,153 sq. ft.

Staff notes that ZBA has not considered any variances within this subdivision.

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. Staff notes that if a variance is approved it would set precedence.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Garza stated if the neighbors were sided for the structures on their property that were all the way to the property line.

Mr. Sanchez asked if a permit application was submitted for the structure in the rear would it have gotten approved.

Ms. Dimas stated yes, if the applicant would've submitted a permit application for that structure it would've been approved.

Mr. Sanchez stated the only problem with that structure is that no permits were obtained.

Ms. Dimas stated yes. She mentioned that if a permit was obtained there would be no problems with that structure. She stated that the structure that was in question was the 12'x20' portable carport.

Vice Chairman Flores asked if there was anyone in favor or against this request.

There was none.

Vice Chairman Flores asked if the applicant was present.

Mr. Armando & Delia Landois who reside at 214 Thornwood Drive stated that she would use the carport as a sitting area only. She added that she was not aware that a permit was needed. She stated that the portable carport had been there for 18 years with no problems.

Ms. Dolly Ellzondo asked staff that if that subdivision had other applicants asking for a variance.

Ms. Dimas stated she didn't have an answer at the moment.

Mr. Sanchez stated none of the structures had permits.

Mr. Garza asked how many years ago was the carport built.

Mrs. Della Landols stated 18 years ago.

Mr. Sanchez asked if staff explained to Mr. & Mrs. Landois that the structure in the back of their property had no permit and was exceeding the sq. ft.

Ms. Della Landols stated she had enough space for that one. She added that the structure was built way before the portable carport in the front.

Ms. Dimas stated the structures were exceeding 80 ft of the allowable sq. ft.

Vice Chairman Flores asked if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. William Ueckert moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

Ms. Dimas stated she would like to make a correction on the sq.ft that the applicant was exceeding. She stated that the total sq. ft. was 320ft instead of 80ft that was mentioned.

Mr. Sanchez stated he had no problem with the structure in the back of the property, as long as a permit was obtained. He added that the 12'x20' could be easily moved.

Ms. Elizondo stated the 12'x20' was a prefabricated carport and was not allowed.

The First item being discussed is the 12'x20' prefabricated carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the prefabricated carport. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously.

The second item being discussed is the patio in the rear of the property.

Mr. Sanchez stated that since no permit was obtained for the patio in the rear and was not violating the setbacks, what would be the procedure that needed to be done.

Ms. Dimas stated that the only thing that needed to be done was that the applicant obtained a permit.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to approve the variance for the rear patio as is with the excess sq.ft as long as a permit would be obtained. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 2.0

TO KEEP A 2' FRONT SETBACK INSTEAD OF THE REQUIRED 30', A 2' SIDE SETBACK INSTEAD OF THE REQUIRED 6', AND A 2' REAR SETBACK INSTEAD OF THE REQUIRED 10' AT 1215 BARNES STREET, BEING LOT 3, BLOCK 2, WEST MISSION UNIT 1, AS REQUESTED BY MIGUEL NUNEZ

The subject site is located approximately 180' east of N. Los Ebanos Road along the north side of Barnes Street. The lots measures 60.00'x130.00' for a total of 7,800 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following: an 18' x 24' carport and a 14' x 14' storage shed, which were built without obtaining the proper permits.

Staff notes that ZBA has not approved any variances within this subdivision. Approving this variance would set precedence to others.

Staff mailed out 16 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: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Mr. Humberto Garza advised the board that he would not be acting on this item due to a conflict of interest.

Vice Chairman Flores asked that if the applicant was present.

Mr. Miguel Nunez stated that he resides at 1215 Barnes Street and that he was 90 years old. He added that his wife was 68 years old and disabled. He mentioned that the reason that the carport was built was for protection from the sun and rain. He stated that he thought that the company he hired to build the carport had obtained all required permits.

Mr. Sanchez asked if permits were obtained.

Mr. Miguel Nunez stated he had no idea if they did.

Ms. Dimas stated no permits were obtained.

Ms. Elizondo asked if Mr. Miguel Nunez had a handicap license plate.

Mr. Miguel Nunez stated yes.

Vice Chairman Flores asked if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza abstained from voting. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated that Mr. Nunez could apply for the Special Accommodation Review Board. He added that if the 14'x14' shed was on concrete.

Ms. Dimas stated yes, the shed is sitting on concrete.

Ms. Elizondo asked if there was a utility easement in the rear.

Ms. Dimas stated no, it's just the 10' rear setback.

First item being discussed is the 18'x24' carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez voted for Mr. Nunez to apply for the special accommodation review board for the 18'x24' carport. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously.

Second item being discussed is the 14'x14' shed.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance for the 14'x14' shed. Mr. William Ueckert seconded the motion. Upon a vote the motion passed unanimously. With Mr. Humberto Garza abstaining.

ITEM# 2.1

TO KEEP A 3' SIDE SETBACK INSTEAD OF THE REQUIRED 6' SIDE SETBACK AT 2002 CRISANTEMA AVENUE, BEING LOT 80, SOUTHERN OAKS PHASE I, AS REQUESTED BY JAIME PEREZ

The subject site is located approximately 66' north of W. 20th Street along the east side of Crisantema Avenue. The lots measure 61.50'x105' for a total of 6,457.50 sq. ft.

The applicant would like the Board to consider the above-mentioned variance to keep a 12.4' x 30' carport within the 6' side setback. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 25, Ph. I	2' side setback	3/15/23	Approved
Lot 100, Ph. II	3' E. side /0' rear shed/ 0' West side tool shed/ 3.7 rear	2/21/24	Approved
Lot 112, Ph. II	Front	12/4/19	Approved
Lot 150, Ph. II	0' side	1/17/24	Denied
Lot 161, Ph. II	2' side	11/15/19	Approved
Lot 100, Ph. III	0' E. side/ 2.9' W. side/0' rear	3/17/21	Denied
Lot 217, Ph. III	1' & 2' side / 3' rear	2/16/22	Denied
Lot 261, Ph. III	6.6' side	12/23/22	Denied
Lot 190, Ph. III	0' side	2/18/15	Approved
Lot 191, Ph. III	0' side	2/18/15	Approved

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.

RECOMMENDATION: Staff recommends denial. Structure needs to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores stated the subdivision had some variances that were approved.

Ms. Elizondo stated the subdivision had some approved and some variances denied.

Vice Chairman Flores asked that if the applicant was present.

Mr. Jaime & Griselda Perez who reside at 2002 Crisantema Avenue stated that the previous carport he had was damaged by the storm. He mentioned that he hired someone from facebook to build his carport and the contractor told him that if he was just replacing what was existing a permit wasn't needed. He added that he uses the carport to protect his vehicles from bad storms.

Mr. Ueckert asked if there was a permit for the previous carport.

Ms. Dimas stated there was no record.

Ms. Elizondo asked if that subdivision had a home owners association.

Mr. Jaime Perez stated no.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

Mr. Jaime Perez stated that he obtained signatures from his neighbors in favor of his request.

Vice Chairman Flores entertained a motion to close the public hearing. Ms. Dolly Elizondo moved to close the public hearing. Mr. Humberto Garza seconded the motion. Upon a vote, the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Ms. Dolly Elizondo moved to table the variance request until signatures of the petition were verified by staff. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 2.2

TO KEEP A 0' SIDE SETBACK INSTEAD OF THE REQUIRED 6', A 0' REAR SETBACK INSTEAD OF THE REQUIRED 10' AND TO ALLOW A TOTAL OF 2,910 SQ.FT. INSTEAD OF THE MAXIMUM 847.60 SQ.FT ALLOWED AT 911 WASHINGTON STREET, BEING THE EAST ½ OF LOT 14, MISSION ACRES, AS REQUESTED BY JOSE C. HERNANDEZ

The subject site is located approximately 120' north of Greenlawn Drive along the west side of Washington Avenue. The regular lot measures 120'x150' for a total of 18,000 sq.ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 36'x60' metal carport that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the metal carport.

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 the total living area for the home is 2,119 sq. ft.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 86	12.7' front E. side/6' front & 0'	8/16/17	Approved
Lot 31-B	12' side setback	1/11/00	Denied

Staff mailed out 32 notices to the surrounding property owners within 200' radius to get their input in regards to this request. Ms. Dimas stated that an email was received against this request. She mentioned that their concern was that the applicant had knowledge of the setbacks and still built without regard to them.

RECOMMENDATION: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Mr. Ueckert asked if it was the next-door neighbor that submitted that email.

Ms. Dimas stated it was either the neighbor across the street or within the 200' radius.

Vice Chairman Flores asked if the applicant was present.

Mrs. Maribel Cavazos was present. She stated that her husband worked nights and was unable to attend the meeting. She mentioned that when she received the notice she went to the city to advise them that she was able to remove the carport that was touching the fence. She added that the person she spoke to advised her not to modify anything until today's meeting. Ms. Cavazos asked that if she could find out who was the person that submitted the email against her request.

Vice Chairman Flores stated that she needed to ask staff.

Ms. Dimas advised Mrs. Cavazos that she would need to fill out a public information request form in order to get that information.

Mrs. Maribel Cavazos asked that if she knew who the person was that submitted the email, that if she could speak in reference to that email. She mentioned that Ms. Irma Fernandez that resides right next to her was not the problem. She added that the problem was the girl friend that doesn't reside at that house. She mentioned that she's had several arguments with the girlfriend and that the girlfriend also pretends to be the owner of the house. She stated that the carport had rain gutters and that the garage wasn't a garage. She mentioned that the garage was a home gym and that pictures were submitted.

Vice Chairman Flores asked if the board had questions for staff.

Mr. Sanchez asked if permits were obtained.

Mrs. Maribel Cavazos stated no the person I hired didn't obtain permits.

Vice Chairman Flores asked if the garage had permits.

Ms. Dimas stated the garage that was converted into a gym had permits.

Mr. Sanchez asked why weren't the setbacks enforced.

Mr. Garza stated the subdivision was recorded in 1928. He added that it was an original mission acre lot that was split later. He mentioned that back in 1928 no setbacks existed.

Ms. Elizondo stated if it was platted the setbacks would be noted.

Mr. Garza stated it was an old plat. He added no setbacks existed back then.

Mr. Ueckert asked who obtained the building permit for the garage/gym.

Ms. Susana De Luna stated the permit was obtained by Mr. Jose Hernandez.

Mr. Ueckert asked if it was the owner that pulled the permit.

Ms. Dimas stated yes, Mr. Jose Hernandez.

Mr. Ueckert stated so he was aware that he needed to obtain permits for construction.

Ms. Elizondo stated he was aware with the process.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. William Ueckert moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously. With Mr. Humberto Garza abstaining

Mr. Sanchez asked how much sq. ft. was the carport exceeding.

Ms. Dimas stated the carport was exceeding 2,160 sq. ft. over the accessory structure allowed.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. William Ueckert moved to deny the variance request. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously. With Mr. Humberto Garza abstaining

ITEM# 2.3

TO KEEP A 35' FRONT SETBACK INSTEAD OF THE REQUIRED 42' COMMON ACCESS EASEMENT AND A 1' REAR SETBACK INSTEAD OF THE REQUIRED 15' AT 4006 N. INSPIRATION ROAD, BEING LOT 52, COLINAS DEL RIO PH. I, AS REQUESTED BY LUIS CHAVEZ

The subject site is located approximately 100' north of Azalea Street along the east side of N. Inspiration Road. The lots measures 96.09'x125.35' for a total of 12,056 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep the following:
.1) a 21'x 63' metal carport that is built 6.5' within the 42' common access easement and a 11.1'x15.2 storage shed. Staff notes that the carport was constructed in the late 90's which the shed was built without obtaining the proper permits.

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 19, Ph. III	0'Front/5.7' Side	4/21/21	Approved
Lot 59, Phase II	0'Front/3'Side/1'Rear	9/20/23	Approved Front/Side, Denied Rear
Lot 60, Phase II	10' Garage/Carport & 2.6' Rear for the Shed	1/17/24	Approved Garage & Denied Rear
Lot 60, Phase II	3' Rear for the Gazebo	2/10/24	Denied

Staff mailed out 26 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: Staff recommends approval of the carport and denial for the shed. Structures need to be modified or removed to comply with the required setbacks within 60 days.

Vice Chairman Flores asked that if the applicant was present.

Mr. Eluid Lopez was present he stated he was the builder of the apartments and that he had all his approved permits and inspections with him.

Ms. Elizondo asked if the papers he had were for the carport.

Mr. Eluid Lopez stated it was permits for the apartments and the carport that the shed was built after the apartments were built.

Mr. Ueckert asked if staff had pictures of the shed.

Staff had no pictures of the shed.

Mrs. San Juanita Arejola stated that she was speaking in behalf of her father Luis Chavez which was the property owner. She stated that they were in the process of selling the apartments and that is when they found out that the carport was encroaching into the setbacks. She added that no permit was obtained for the shed and was sitting on concrete.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. Humberto Garza moved to close the public hearing. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

First item being discussed is the carport.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Dolly Elizondo moved to approve the variance request for the carport. Mr. Romeo Sanchez seconded the motion. Upon a vote the motion passed unanimously.

Second item being discussed is the shed.

There being no further discussion, Vice Chairman Mr. Heraclio Flores entertained a motion. Mr. Humberto Garza moved to Table the variance request for the shed to get more information and take pictures. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

ITEM# 2.4

TABLED: TO KEEP A 0' REAR SETBACK FOR A STORAGE; A 4.9' REAR SETBACK FOR A PERGOLA INSTEAD OF THE REQUIRED 10', A 2.7' SIDE SETBACK INSTEAD OF THE REQUIRED 6' AND TO ALLOW A TOTAL OF 1,978 SQ.FT. INSTEAD OF THE MAXIMUM 1,093.60 SQ.FT. ALLOWED AT 1363 GARDEN DRIVE, BEING LOTS 31 & 32, SANTA FE, AS REQUESTED BY RICARDO DIAZ MIRANDA

No Action Taken

Vice Chairman Flores entertained a motion to remove the item from the table. Ms. Dolly Elizondo moved to untable item 2.5. Mr. Romeo Sanchez second the motion. Upon a vote the motion passes unanimously.

ITEM# 2.5

TABLED: TO KEEP AN 8' SIDE SETBACK INSTEAD OF THE REQUIRED 15' U.E. AND A 3' REAR SETBACK INSTEAD OF THE REQUIRED 15' U.E. AT 1709 TRINITY STREET, BEING LOT 11, THE GROVES AT CIMARRON, AS REQUESTED BY MIGUEL RIOS

Ms. Dimas stated that this item was previously tabled on May 29, 2024 in order to allow staff time to verify if there was an address change and if so, if there were any permits obtained for the structures.

The subject site is located approximately 110' west of Frio Drive along the north side of Trinity Street. The regular lot measures 120'x104' for a total of 12,480 sq. ft.

The applicant would like the Board to consider the above-mentioned variances to keep a 20'x28' canopy that was built without a permit. This violation was discovered by Code Enforcement Division while doing a sweep of the subdivision. Staff notes that no permit was obtained for the swimming pool nor the storage room. There was an address changed in 2003 from 1621 Trinity to 1709 Trinity.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of Meeting</u>	<u>Recommendation</u>
Lot 10	0' Side Setback / 10' Rear Setback	8/16/17	Approved

Staff mailed out 21 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: Staff recommends denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Mr. Miguel Rios who resides at 1709 Trinity Street stated that he purchased the home in 2011 with the pool. He mentioned that the canopy was a portable structure that could be moved. He added that he was willing to move the poles 10' and brace it so he won't lose integrity on the structure. He stated that if the board would allow him the off set on the right side.

Mr. Sanchez asked if it was a cloth canopy.

Mr. Miguel Rios stated it was a cloth canopy.

Ms. Elizondo stated if Mr. Miguel Rios was willing to comply with the setbacks and that the variance needed was on the size.

Mr. Miguel Rios stated no. He mentioned he was willing to move the poles 10'ft. but it still didn't comply with requirements.

Ms. Dimas stated the property had a 15' side and a 15' rear utility easement.

Mr. Sanchez asked if Mr. Miguel Rios obtained a permit.

Mr. Miguel Rios stated no.

Mr. Ueckert asked if he was proposing an overhang on one side if he would move the poles.

Mr. Miguel Rios stated that the canopy was not overhanging over the property line.

Mr. Ueckert stated no over the poles.

Mr. Miguel Rios stated yes.

Mr. Ueckert stated the roof would be over the easement.

Vice Chairman Flores asked that if there was anyone in the audience in favor or against this request.

There was none.

Vice Chairman Flores entertained a motion to close the public hearing. Mr. William Ueckert moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Sanchez stated the purpose for setbacks are to prevent fires from spreading. He mentioned when the poles are moved it doesn't move the structure or solve the problem. He added that if his neighbor placed a structure next to it the fire won't be prevented by moving the poles and that the footprint of the structure should be within the setbacks.

Vice Chairman Flores stated there were no neighbors.

Ms. Dimas stated that there was a neighbor.

Ms. Elizondo asked if Mr. Miguel Rios had gas in his property.

Mr. Miguel Rios stated no, that his neighbor did.

Mr. Sanchez stated it is was a beautiful canopy and had the space to move the canopy closer to the pool area.

Mr. Miguel Rios asked about his pool.

Mr. Sanchez stated that would be with the utility companies.

Ms. Dimas stated that 811 needed to be notified to check if any lines were under the swimming pool and each utility company needed to be contacted.

Mr. Sanchez asked if the utility companies could be involved.

Ms. Elizondo stated it would be up to the property owner to involve the utility companies.

Mr. Sanchez stated he felt that there was nothing wrong with getting the utility companies involved. He added that more than likely they would find nothing wrong where the pool is at.

Mr. Miguel Rios stated all his neighborhood had structures on their properties.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Romeo Sanchez moved to deny the variance request for the canopy and the shed. Mr. Humberto Garza seconded the motion. Upon a vote the motion passed unanimously.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. Humberto Garza moved to table the variance request for the swimming pool to obtain an 811 report. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously.

Vice Chairman Mr. Heraclio Flores entertained a motion to remove the item from the table. Ms. Dolly Elizondo moved to untable item 2.6 Mr. Romeo Sanchez second the motion. Upon a vote the motion passes unanimously.

Mr. Humberto Garza advised the board that he would not be acting on this item due to conflict of interest.

ITEM# 2.6

TABLED: TO ALLOW 1) A 14' FRONT SETBACK INSTEAD OF THE REQUIRED 20', 2) A 4' SIDE SETBACK TO THE SOUTH, 3) A 3' SIDE SETBACK TO THE NORTH INSTEAD OF THE REQUIRED 6', 4) A 13.6' REAR SETBACK INSTEAD OF THE REQUIRED 15' AND 5) TO ALLOW A TOTAL 1,143 SQ.FT. WHERE THE MAXIMUM IS 800 SQ.FT. AT 919 BLAKE STREET, BEING LOT 76, EAGLE HEIGHTS NORTH, AS REQUESTED BY JUAN SALINAS

Ms. Dimas stated that this item was previously tabled on May 29, 2024 in order to allow property owner time to get with 811 to see if there were any utility lines on the rear of the property. During that meeting the 14' front and 4' side setback for the carport were denied.

The subject site is located along the east side of Blake Street, near the Blake/Miracle Lane intersection. The lot measures 54' x 113' for total of 6,102 sq.ft.

The applicant would like the Board to consider the above-mentioned variance: 1) to allow a 22.4'x24' carport, 2) 12'x15' storage shed, 3) a 15'x15' gazebo, 4) an 8'x27' canopy that were built without a permit, and 4) to keep 343 sq.ft. over the 800 sq.ft. maximum allowed for accessory structures. Staff notes that there is a permit for the gazebo.

This item was previously considered by ZBA on February 19, 2020; the request before the Board at that time was to consider a 0' front setback instead of the required 20' and a 0' side setback instead of the required 6' for an open carport. ZBA denied the request as presented and instead asked the applicant to apply for a building permit, pay double permit fee, and modify the structure to meet the 8' front setback and 4' side setback by March 27, 2020.

Staff notes that during that year, the open carport ordinance was revised by P&Z and City Council. Under the new ordinance #4963, residents in a subdivision 20 years or older were allowed reduced setbacks for open carports. The new ordinance allowed open carports to be 8' from the front and 4' from the sides. In November 8, 2021; P&Z and City Council adopted Ordinance #5109 re-establishing the typical building setbacks for all residential auxiliary structures.

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 the total living area for the home is 1,249 sq.ft.

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

<u>Legal Description</u>	<u>Variance Request</u>	<u>Date of</u>	<u>Recommendation</u>
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		<u>Meeting</u>	
Lot 67	2' Side Setback	6/12/01	Approved
Lot 76	0' Front & 0' Side	2/16/00	Denied
Lot 1, Blk 3 Unit #1	28' Front Setback	12/13/05	Approved
Lot 2, Blk.3 Unit #1	28' Front Setback	4/20/05	Approved
Lot 2, Blk.3 Unit #1	5' Side Setback	12/13/05	Denied
Lot C, Unit #2	15' Front & 11' Rear	10/19/05	15' Front Denied 11' Rear Approved Denied
Lot 10, Blk. A Unit #3	3' Side, 3' Rear & 1' Side	4/19/23	Denied
Lot 76	14' Front & 4' Side	5/29/24	Denied

Staff mailed out 23 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.

RECOMMENDATION: Staff maintains the recommendation for denial. Structures need to be modified or removed to comply with the required setbacks and square footage within 60 days.

Vice Chairman Flores asked if the applicant was present.

Mr. Juan Salinas who resides at 919 Blake Street stated that he called 811 and no utility easements were found. He added the only department I didn't get a response from was the City of Mission.

Ms. Elizondo asked if he got something in written from 811.

Mr. Juan Salinas stated an email.

Ms. Elizondo asked if it was submitted to the city.

Mr. Juan Salinas wife was sitting in the audience and stated that the email was sent to Ms. Irasema Dimas.

Ms. Dimas stated she didn't receive an email.

Vice Chairman Flores asked staff that if the only structures being questioned are the shed and pergola.

Ms. Elizondo stated the applicant stated that they emailed or submitted the utility locator information. She added that staff stated that the information was not received.

Mr. Sanchez asked if the storage shed was on concrete.

Mr. Juan Salinas stated that it was on concrete.

Ms. Dimas stated the only email she received stated that it was a test email. She mentioned that the applicant had problems with her email.

Discussion amongst the board and the wife that was in the audience.

Vice Chairman Mr. Heraclio Flores entertained a motion to close the public hearing. Mr. Romeo Sanchez moved to close the public hearing. Ms. Dolly Elizondo seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Ueckert asked if any modifications had been done to the structure that was denied.


Ms. Dimas stated the board gave them 45 days to remove or modify the structure. She added that as of today they haven't done any modifications to it.

There being no further discussion, Vice Chairman Flores entertained a motion. Mr. William Ueckert moved to table the variance request. Ms. Dolly Elizondo seconded the motion. Upon a vote the motion passed unanimously. With Mr. Humberto Garza abstaining.

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further business, Ms. Dolly Elizondo moved to adjourn. Mr. Romeo Sanchez seconded the motion. Upon a vote, the motion passed unanimously at 6:59 p.m.



Heraclio Flores, Vice Chairman
Zoning Board of Adjustments