

**PLANNING AND ZONING COMMISSION
OCTOBER 15, 2025
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Connie Garza
Irene Thompson
Steven Alaniz

P&Z ABSENT

Kevin Sanchez
Omar Guevara
Raquenel Austin

STAFF PRESENT

Xavier Cervantes
Alex Hernandez
Elisa Zurita
Gabriel Ramirez
Jessica Munoz

GUEST PRESENT

Maria Ester Salinas
Antonia Del Barrio
Luis Valdez
Elizabeth Oviedo
Carlos A. Chapa
Luis Mendez
Lane Rangel
Pena Fernando

CALL TO ORDER

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

DISCLOSURE OF CONFLICT OF INTEREST

There was none.

CITIZENS PARTICIPATION

There was none.

APPROVAL OF MINUTES FOR OCTOBER 1, 2025

Chairwoman Izaguirre asked if there were any corrections to the minutes for October 1, 2025. Ms. Thompson moved to approve the minutes as presented. Ms. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:44 p.m.

Item #2

Rezoning:

**A 9.83 acres gross and 9.48 acre net tract
of land out of Lot 33, Bell Woods CO'S Subdivision "C"
This site is located along the West side Conway Avenue (SH 107)
approximately 265 feet North of Victory Street
AO-I to R-3
Luis Alaniz c/o Cabrera Brothers Trucking Co.**

Mr. Cervantes stated the applicant is requesting to rezone the subject property from Agricultural Open Interim District ("AO-I") to Multi-family Residential District ("R-3") for a multifamily residential development. The tract of land has 9.48 acres in net area and measures 256 feet along Conway Avenue and has a depth of 1,239.61 feet. The surrounding zones are outside the city limits to the North, General Business District (C-3) to the East, Agricultural Open Interim District (AO-I) to the South and Duplex-Fourplex Residential to the West. The surrounding land uses include agricultural land, a single-family home and an irrigation canal to the South, Tramuc Transport to the East, Cheer Strike and IHOP to the South and agricultural land to the west. The subject property is vacant. The Future Land Use Map shows the West two thirds of the property designated for low density

residential uses. The East one third of the property is designated General Commercial. Even though the requested rezoning of the West two thirds of the property is not in line with the comprehensive plan, staff feels that the area is in transition to multi-family residential uses. Notices were mailed to 6 surrounding property owners. Planning staff received no phone calls in opposition to the rezoning. Staff recommends approval to the rezoning request.

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

Mr. Luis Valdez resides at 3611 N. Conway Avenue, He stated there has been an issue with drainage in the area. He mentioned he had some photos of the flooding that travels from the north side of the property. He stated he would like the board to reconsider when proposing to rezone the property because there is a lot of flooding in the area.

Chairwoman Izaguirre asked where his property was located.

Mr. Valdez stated his property is North of IHOP where the cheer strike gym is located at. He mentioned there's a lot of runoff water when it rains from the north side.

Chairwoman Izaguirre asked even though the properties on the north side of the canal.

Mr. Valdez stated Yes, It goes into the drainage area, then it flows into my property. He mentioned he provided some photos for the board members. He mentioned this is what happened in March. He stated this is where their property would end. He added that probably on the south side you can see all that overflow into the highway and into my property and it's on the south side of the canal between both properties.

Chairwoman Izaguirre asked if the warehouse was already there when he purchases the property?

Mr. Valdez stated yes, the warehouse has been there for 25 years and that's before that IHOP was developed. He believes the IHOP was raised too high.

Mr. Valdez 'daughter stated IHOP made the flooding issue stimulated and if that multi-residential use is granted that's going to stimulate even more of the current flooding issue.

Chairwoman Izaguirre asked Mr. Cervantes if he had seen the photos of the flooding issue.

Mr. Cervantes stated No, but he has heard of flooding in the area. He mentioned to the board that right now they're discussing the land use only. He stated the drainage should not really be a factor in the rezoning process since a multifamily zoning makes sense for this type of property. He mentioned when the property is being developed they will have to comply with our drainage requirements which are more strict today than before.

Chairwoman Izaguirre stated it looks like that warehouse shouldn't have been built at that elevation.

Mr. Valdez stated that was before the annexation so that was not part of the City of Mission before.

Chairwoman Izaguirre stated it looks like it was an ongoing problem before you even purchased the property.

Mr. Valdez stated If the property on the south side, which is IHOP, hadn't been raised, all the water would have just drained down, but once that was put in place it created all those problems.

Chairwoman Izaguirre stated they will make sure that the planning department will take a look into the flooding.

Mr. Cervantes stated that staff can meet separately with Mr. Valdez and with the city staff to try to address the drainage concerns as much as possible. He stated staff could have a separate meeting with him and the city engineer to make sure if the zoning goes through, that the drainage is very carefully reviewed so that it will not cause any more problems.

Chairwoman Izaguirre asked if we have anybody else for item number two for or against this item?

Mr. Luis Mendez on behalf of the owner, we're the engineers for this development SAMES INC. He addressed the comment as mentioned by the planning department as well as meeting the requirement for drainage impact for the development. He mentioned they reached out to TxDOT and there's already funding for the expansion of that road and there are drainage improvements to 107 on that section meaning that there are going to be adding some storm inlets and piping and all that. He stated their runoff drainage runoff is going to be conveyed through a detention pond for the development and ultimately outfall into that storm system that TxDOT is about to do improvements on. He mentioned that design is already being approved and it's already currently out to bid for the contractors so they can start processing that future development.

Chairwoman Izaguirre asked if Mr. Mendez could please email the plans to our planning and engineering department.

Mr. Mendez stated No problem he believes there should be a third sheet showing drainage improvements or preliminary drainage improvements. He stated that the plans should be showing some inlets already. That TxDOT is anticipating that section. If not, I can forward it to the City of Mission as well, so they can address it with the surrounding owners to show that improvements for drainage infrastructure is coming on the way. So that's why our development is anticipating those connections as well.

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

Chairwoman Izaguirre asked if the board had any questions.

Ms. Thompson asked if this is just for the zoning, obviously it still needs the development phase at that point and to ensure that the engineering adheres to proper drainage.

Mr. Cervantes stated yes, If the zoning goes through and the City Council approves it. He mentioned there is a subdivision that is in the works for Fourplex lots. He stated he will set up a meeting with the people that showed up and the subdivision engineers and the city engineer to try to address their concerns. He will schedule that meeting as soon as possible.

Ms. Garza stated that her main concern that she has is that the future land use for this property is commercial facing Conway. She asked if the developer gave any consideration to doing the part fronting Conway Commercial and then maybe the rest of it multifamily.

Mr. Cervantes stated he isn't sure if that has been considered by the applicant. He mentioned they have seen a preliminary subdivision for fourplex lots. He stated they're proposing at this time a subdivision for fourplex lots for multifamily. He mentioned to keep in mind that things can change in the future so the project may fall through and then another future owner may decide to build an one large apartment complex or a future owner could decide to make the front commercial and then pursue zoning the way it was.

Ms. Garza stated that would be my only concern in approving this item.

Mr. Mendez asked if her question was moving the front part to commercial.

Ms. Garza stated the future land use map indicates one third of the property to the east of facing Conway being commercial.

Mr. Mendez stated they had touched bases with the client before regarding having commercials in the front but as for the market analysis they did kind of all that corridor already, mostly what's out there is commercial. He mentioned the applicant's intent is bringing more residents to give that improvements to the commercial meaning to bring more people for commercial use. He stated he will be letting his client know of the possibility that if he is thinking of doing commercial in the front. He stated that so far, the applicant wants to have fourplexes for it and the detention pond. We're thinking of doing it right in front due to the existing conditions of the ground because that section elevates really high towards the back, which it's approximately 10 to 15ft. He added if they do the detention pond on the top it's going to create issues with engineering runoff with gravity. So that's why they are planning on the detention pond. So essentially, there's going to be a really small gap for commercial use in the pond.

Chairwoman Izaguirre stated It's not feasible because of the elevation of the terrain and because it's too narrow in the entrance and it's next to an elevated irrigation canal.

Mr. Mendez stated the right of way and plus the size of the pond that we need. He stated the size It's going to be 100 by the distance. So, it's going to be really small for a commercial. So that's why he kind of didn't consider that option.

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

Started: 5:44 p.m.

Ended: 5:46 p.m.

Item #3

Conditional Use Permit:

**Manufacturing & Packing of Water and Ice-
Royal Water
Being all of Units "M", "N", "O", "P", and "Q",
Bryan Point Business Condominiums Subdivision
1352 E. 1st Street, Suite M**

**C-3
Royal Water LLC**

Mr. Cervantes stated the subject site is located along the South side of 1st Street approximately 200 feet East of Bryan Road. Per the Code of Ordinances an industrial use in a property zoned General Business District requires approval of a Conditional Use Permit by the City Council. This business has been in operation without a business license since August, 2025. The applicant uses city water, purifies it by using certain filtration devices and consequently puts the purified water in 5-gallon containers. The applicant then delivers the containers to certain businesses and homes throughout the area. No purified water is sold from the suite. A meeting took place with the City Fire Marshall on October 6, 2025. He reported no objections contingent on the addition of a second emergency exit to the South of the suite. The hours of operation are as follows: Monday thru Friday from 8:00 a.m. to 5 p.m. Staff: 3 employees. Parking: There are a total of 185 parking spaces in the commercial plaza that are shared among the businesses. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out (24) legal notices to the surrounding property owners. In accordance with the zoning ordinance, the P&Z and City Council may impose requirements and conditions of approval to ensure that a use requested by a Conditional Use Permit is compatible and complementary to adjacent properties. Staff recommends approval with the conditions below: 1) Permit for one (1) year to continue to assess this business; 2) Compliance with all City Codes (Building, Fire, Health, etc.); 3) CUP is not transferable to others; 4) Must comply with the noise ordinance; 5) Hours of operation: Monday thru Friday from 8:00 a.m. to 5 p.m.; and 6) No water to be sold from the suite.

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

There was none.

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

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Started: 5:46 p.m.

Ended: 5:47 p.m.

Item #4

**Conditional Use Permit
Renewal:**

**A Drive-Thru Service Window
– Taqueria Oviedo
Being Lot 2, Aziz No. 2 Subdivision
608 W. Griffin Parkway,
C-3
Elizabeth Oviedo**

Mr. Cervantes stated the subject is located along the North side of Griffin Parkway, approximately 360 feet East of Holland Road. Per Code of Ordinance, Drive-Thru Service Windows require the approval of a Conditional Use Permit by the City Council. There is an existing 24' x 38' drive-thru service window and a 4' x 8' LED menu board. The taqueria has been in business since 2015 at the above location, serving authentic Rio Bravo Tacos and more. Access to the site will be provided off of West Griffin Parkway through an existing 26' driveways. The proposed days and hours of operation are Monday – Sunday from 11:00 am to 12:00 am. Staff: 8 employees. Parking: the parking is held in common for this commercial plaza and have a total of 60 parking spaces that are shared with other businesses. The last conditional use permit approved for this drive-thru service window for this location was on November 12, 2024 for a period of 1 year. The Planning Staff has not received any objections to the request from the surrounding property owners. Staff mailed out (21) legal notices to surrounding property owners. In accordance with the zoning ordinance, the P&Z and City Council may impose requirements and conditions of approval as are needed to ensure that a use requested by a conditional use permit is compatible and complementary to adjacent properties. Staff recommends approval of the request, subject to compliance with the following conditions: 1) Life of the Use with the understanding that the permit could be revoked due to noncompliance; 2) Continued compliance with all City Codes (Building, Fire, Health, Sign codes, etc.); 3) Hours of operation are Monday – Sunday from 11:00 am to 12:00 am; and 4) CUP not be transferable to others.

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

Ms. Elizabeth Oviedo the applicant does see any issues with her establishment or any complaints.

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

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

Started: 5:47 p.m.

Ended: 6:14 p.m.

Item #5

**Conditional Use Permit
Renewal:**

**The Sale & On-Site Consumption of
Alcoholic Beverages – The Ice House, LLC
Being the South 109.5 feet of Lot 2, Block 137
Mission Original Townsite Subdivision and
all of Lot 52, John H. Shary Industrial Subdivision
815 N. Francisco Avenue
C-3
Lane Rangel**

Mr. Cervantes stated the subject site is located at the Northwest corner of Francisco Avenue and E. 8th Street. Per the Code of Ordinance a bar, cocktail lounges and taverns require the approval of a

Conditional Use Permit by the City Council. This business has been in operation since 1960 but during the renewal of the conditional use permit, the City Council placed a condition of no live music outdoors at any time. This was done during the April 14, 2025 meeting. The applicant has submitted a petition signed by 228 citizens in support of bringing back outdoor music at the venue. Four (4) of the petitioners are property owners within the 200- foot notification area (18.69%). For the last two years there have been three (3) abandoned vehicle, one loud noise, one incident, and one theft report. The hours of operation are as follows: Monday thru Saturday from 10:00 a.m. to 12 a.m. and Sundays from 12:p.m. to 12:00 a.m. Staff: 3 employees. Parking: Due to the total of 164 proposed chairs, a total of 55 parking spaces are required. There is a total of 12 off-street parking spaces at the site. Since this property is located within the Mission's Central Business District, it is exempt from parking requirements for the existing structure. Such uses require that no alcoholic beverages be sold within 300' of a residence, church, public schools, private school or public hospital. There is a residential subdivision within 300 feet, therefore, a waiver of the separation requirement would need to be approved. The Planning staff has not received any objections to the request from the surrounding property owners. Staff mailed out (24) legal notices to the surrounding property owners. In accordance with the zoning ordinance, the P&Z and City Council may impose requirements and conditions of approval to ensure that a use requested by a Conditional Use Permit is compatible and complementary to adjacent properties. Staff recommends approval with the conditions below: 1) Permit for one (1) year to continue to assess this business; 2) Continued compliance with all City Codes (Building, Fire, Health, etc.); 3) Waiver of the 300' separation requirement from the residential homes; 4) Continued compliance with TABC requirements; 5) CUP is not transferable to others; 6) Must have security cameras inside and outside with a minimum 30-day retention; 7) Must comply with the noise ordinance; 8) Maximum occupancy for the inside area to be 60 people with tables and chairs, 130 people with chairs and 182 people if standing. For the outside area the maximum occupancy to be 166 people with tables and chairs, 357 people with chairs only and 464 people standing only; 9) Hours of operation: Monday thru Saturday from 10:00 a.m. to 12 a.m. and Sundays from 12 p.m. to 12:00 a.m.; 10) Live music allowed outside.

Chairwoman Izaguirre asked why the petition had addresses from random places in the city and it's not the surrounding 200' radius.

Mr. Cervantes stated because most of the petitioners are patrons of this business that like the live music at the site and would like for that to come back.

Ms. Thompson asked if this is to get live music back.

Mr. Cervantes stated it is a consideration outside.

Chairwoman Izaguirre asked if this was for outside.

Mr. Cervantes stated yes for outside and is a reconsideration request based on the police reports that we now have and based on the petition of support that the applicant has provided staff.

Chairwoman Izaguirre asked in reference to the floor plan that was submitted. She asked why are we allowing handwritten floor plans that are not to scale unlike every other city that requires an actual to scale drawn plan.

Mr. Cervantes stated that can be something that staff can look into and start requiring from applicants.

Chairwoman Izaguirre stated it doesn't look professional for the city to even be accepting these types of drawings even the county requires them.

Mr. Cervantes stated Yes, since this is an ongoing business it's a little difficult to make him hire a professional.

Chairwoman Izaguirre stated the applicant has to do it once with all the insight of how it's actually going to be and make sure the fire marshal approves.

Mr. Cervantes stated staff has one application on hold because we're making the applicant give us a professional drawing. So that one has been on hold for three, four months for an event center, but this one because it's an existing business and we accepted the hand-drawn.

Chairwoman Izaguirre stated it's an existing business that we've had a lot of issues with.

Mr. Cervantes stated Yes, so in the future we can make sure not to allow this for the future.

Chairwoman Izaguirre asked why the staff can't request it now.

Mr. Cervantes stated they can request.

Chairwoman Izaguirre asked the board members from the drawing if they could tell how many people were going to be there. How many people are going to be standing, sitting, eating, drinking this is regardless of the music.

Mr. Cervantes stated yes, you could make the request after the public hearing, and table the item to make that request. That's certainly an option.

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

Mr. Lane Rangel stated he is the co-owner of the business. He stated as far as the drawing goes that all that was asked for is just a sketch at the time that I put in the application which can easily be done so that he could submit another one of those.

Chairwoman Izaguirre stated that all the cities require it.

Mr. Rangel stated at the point when I did apply that was what they required at that time. He mentioned all he is asking for is the outdoor music for the winter Texan season from 3 to 6 and then occasionally Friday and Saturday night we have live music. It's just part of the business that they are in. He mentioned the last city council meeting when we got denied. One of my partners was on the zoom call but was not identified at that point. He stated it did go behind closed doors for whatever reason and here we are back again. He mentioned there have been two complaints in the last two years.

Chairwoman Izaguirre asked how long ago that meeting was.

Mr. Cervantes stated it was in April of this year.

Ms. Maria Salinas resides at 709 Oblate and 715 Miller, stated she was also present for Mr. Pena Fernando and the two of the ladies from the neighborhood. She stated her and Pena family and friends stand united against the proposed renewal of outdoor music by the Ice house. They were already here once regarding the live music and the council agreed they were going to help them. They were going to be fair with the alcohol. She stated the neighborhood was tired of the noise and not only that they had not made all of these reports but our community has endured noise and drones for too long. A residential owner area could not be forced to endure and torture the noisy nights and overcrowding of vehicles that park anywhere they find. She mentioned the owners of the ice house have no control over the people attending their bar and therefore should not be allowed to continue operating their business in such a residential area. We firmly believe that the location of the nuisance degrades the quality of life and our residents and it is not fair to have to bear such annoyance. It is essential for the well-being of our town residents to have a voice in the decision making from the Planning and Zoning Commission and the City Council. We are in a residential area across the street. She stated they can't even have a Thanksgiving meal because they're playing so loud the deprivation of sleep of our residents causes mental issues that are completely ignored. She mentioned the neighborhood plays loud noise during the week and we are forced to live with this emotional distress and there's no sidewalks and there's absolutely no traffic control and we're very concerned. She stated they are a residential area not an entertainment district. She mentioned they are the neighbors also have already called the police many times because they park their vehicles. She stated she was being sabotaged and she filed charges with the police department because they went and made a function and then they didn't even put a correct stamp.

Mr. Fernando Pena is the owner of the property north of the Ice House. He stated the problem that he has are the cars that are parking right on his property from the Ice House. He mentioned he had placed no parking sign on his property and they had taken them off. He stated that was his main concern that parking on his property and he stated it's kind of a little problem selling the property. The property is for sale as of now. He stated that's been our biggest problem with the Ice House. They keep parking there on his property. He stated the customers from the Ice House during the winter time when the tourists arrive they park on his property and even on the front of the property. He mentioned they park all over so they have a kind of a big problem with that.

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

Chairwoman Izaguirre asked if the board had any questions.

Ms. Garza asked How many parking spaces do they need based on the capacity of the establishment.

Mr. Cervantes stated 55 parking spaces are required, but they only have 12 off street parking spaces at the site. Now this property is in the Central Business District. So, in the Central Business District, the businesses are not required to have to meet the parking requirements.

Chairwoman Izaguirre stated staff could make sure that they don't park in Mr. Pena's property.

Mr. Cervantes stated It could be an additional condition if that's what the board would like to add.

Chairwoman Izaguirre stated what she is seeing is that the request is for a renewal of a conditional use permit.

Mr. Cervantes stated it is a renewal but if you notice the last condition.

Chairwoman Izaguirre stated it's only one condition.

Mr. Cervantes stated it's the last condition # 10. The last condition is to be allowed to have live outdoor music.

Chairwoman Izaguirre stated that conditions 1 to 9 they're fine. The only difference is the number Ten.

Mr. Cervantes stated yes that correct, 1 to 9 is already in place when the council approved it in April. The issue is number ten.

Chairwoman Izaguirre asked if the City council approved this from 1 to 9.

Mr. Cervantes replied that's correct.

Mr. Alaniz asked if there was any way to start them with acoustic music.

Mr. Cervantes stated when the council approved it, they were allowed outside so they can have music with the speaker only.

Chairwoman Izaguirre asked if they could have a speaker.

Mr. Cervantes stated Yes, they are allowed to have speakers. He mentioned live music is prohibited.

Chairwoman Izaguirre asked since it's a conditional use permit because it's still music whether it's on the speaker or live. She asked if there is just a difference just from the sound level. She stated its still music they can still listen to.

Mr. Cervantes stated he believes it attracts people when they have bands playing.

Ms. Thompson asked What's the occupancy of that

Mr. Cervantes stated in your list of conditions is the occupancy and it varies.

Chairwoman Izaguirre asked if there's music going on right now.

Mr. Cervantes stated Yes.

Ms. Thompson asked where all these people park.

Mr. Cervantes stated most of them in the street or on another people's property.

Ms. Thompson asked 130 people. That's a lot of vehicles.

Ms. Garza stated 357 people and 464 people were standing.

Mr. Cervantes stated the fire department has given occupancy based on different occupancies based on how they are standing or are they sitting approved 464 people.

Chairwoman Izaguirre asked what planning approved.

Mr. Cervantes stated these occupancies are what we got from fire maximum.

Ms. Thompson asked if they're parking in front of these people's homes.

Chairwoman Izaguirre asked what had planning approved for parking.

Mr. Cervantes stated that the central business district is not required at all.

Ms. Thompson asked when this was brought before and the live music was disallowed. Was that the last renewal.

Mr. Cervantes stated Yes, the renewal was in April.

Ms. Thompson asked if there is a reason to think that the council would approve the live music this time around.

Mr. Cervantes stated in April when the applicant went before City Council part of the reason the Council voted is because they did not have any police reports. He stated the City Council mentioned that they wish to have the police reports for the last two years. He mentioned the applicant submitted a petition in support of some of the petitioners being within the notification area.

Ms. Thompson asked for the past year they've had this approval without live music.

Mr. Cervantes stated yes.

Ms. Thompson asked in April.

Mr. Cervantes stated yes, since April.

Chairwoman Izaguirre stated they are requesting live music for the winter season.

Ms. Garza asked when the approval expired.

Mr. Cervantes stated it was for one year. They're up for renewal but the winter season is coming.

Ms. Thompson stated so the last loud noise complaint was in March of 2025. She asked which was right before that restriction was placed to no live music. Is that correct?

Mr. Cervantes stated yes, we have police reports from the past two years. There was one loud noise complaint and it was in March of this year, which was before the April prohibition of live music outside.

Ms. Thompson asked if numerous complaints have been issued because of the loud noise. If that was the case, would it be reflected in this record.

Mr. Cervantes stated Yes, so we got the complete records from PD for the past two years. There was a vehicle abandoned and obviously if PD is called in they have to file. They can't just show up and say turn it down and not put anything on paper.

Ms. Thompson stated the bigger concern is parking. We've restricted use of certain things within the Central Business District, even though there isn't that parking requirement because of the density of development in that area and the lack of parking and the lack of nearby public areas that people could park in. Because how close is the nearest public parking area for this facility. She asked how close the nearest public was.

Mr. Cervantes stated there are none. He suggested maybe the owners could rent the person that spoke, maybe they could make an agreement to rent that property for parking. He stated the board can recommend additional conditions they can even though it's in the Central Business District and by ordinance is exempt from a conditional use permit but you can impose conditions.

Chairwoman Izaguirre stated that's what she was asking about the sound level to see if the board could add a condition if they were to approve the live music for the music to be at the exact same sound level that the music is as of right now.

Mr. Cervantes stated in the list of conditions that staff recommended they have to comply with the noise ordinance. He stated that even if live music is allowed in the next property it cannot exceed 65 decibels. He mentioned if the neighbor calls a compliant PD and has a machine to measure the noise level it cannot exceed the 65 decibels or a citation could be issued to the venue.

Ms. Garza stated its ongoing concern with that place has been the problem with the music and the noise among other things.

Ms. Thompson stated if its approved number ten live music is allowed outside they would still need to comply with the noise ordinance.

Mr. Cervantes stated that even though there's a band playing outside if the council approves it they still have to comply with the noise ordinance. He mentioned if they get very loud the neighbor to the west could call PD.

Ms. Thompson asked if this was approved except for number ten this was approved for that number ten for live music.

Mr. Cervantes stated No, since April they had music from a speaker outdoors they have not had any live music.

Mr. Alaniz stated he suggested the owners invest in this decibel reader and he moved for approval.

Chairwoman Izaguirre stated the board could reduce it to six months instead of a year if it helps they've had music.

Ms. Garza stated her biggest concern is the parking. They are going to have live music. They are going to attract more people. It's going to compound the problem with the parking.

Chairwoman Izaguirre stated people Uber.

Mr. Cervantes stated so it can be for six months and we can get additional police reports and have another public hearing. It could be like a test.

Ms. Thompson asked Mr. Rangel if he had any type of equipment.

Mr. Rangel stated yes.

Ms. Thompson asked if he could explain that information a little bit.

Mr. Rangel stated he has a decibel reader he got it right after the first complaint he would go across the street with the decibel reader and make sure to keep it under 61 decibels at the street

Ms. Thompson asked if that's how they've been operating since they've had speakers and no loud music.

Mr. Rangel stated yes, we haven't had any complaints since and as far as the parking goes they were grandfathered in on the street access when we first applied for that.

Mr. Alaniz motion approval for six months.

Ms. Thompson second that motion and would suggest also that in the next six months for staff to evaluate the parking situation.

Mr. Cervantes stated yes staff can go out there and take some photos.

Chairwoman Izaguirre stated Maybe they can restripe the parking lot.

Mr. Cervantes stated yes, maybe the applicant could work out something with the other property to rent the property for parking to address the parking.

Ms. Thompson stated in six months will re-evaluate.

Mr. Cervantes stated Yes, staff will go out there and take some photos of the parking situation.

There being no further discussion, Chairwoman Izaguirre entertained a motion to have a floor plan to scale. Mr. Alaniz moved to approve the conditional use permit request with the condition of having a decibel reader and approval for six months. Ms. Thompson seconded the motion with the conditional to have the parking re-evaluated within six months. Upon a vote, Ms. Garza nayed vote was 3 to 1 the motion passed unanimously.

Started: 6:14 p.m.

Ended: 6:15 p.m.

Item #6

Site Plan Approval:

Construction of a chain convenience

**store and gas station
The unrecorded Lot 1, Replat of a
portion of Lot 64, Caledonia, Unit no. 1
Murphy USA**

Mr. Cervantes stated the site is a 1-lot development having double frontage to N. La Homa Road and 3 Mile Road. Currently, zoning for the property is (C3) General Business District which is suitable for this type construction. The new development will include new internal curb and gutters, drainage, and utilities. The proposed structure meets all the zoning setback requirements. Proposed are 16 parking spaces (1 being handicapped) meeting the minimum number of paved, striped off-street parking spaces for this project. The site will include a main structure with a grand total of 2,824 square feet and a gas filling area with canopy for public use. Landscaping is to comply with the City's regulations and code ordinances and a lighting plan has been reviewed so that nearby residential properties will not be affected. There will be one enclosed dumpster located within the site to be screened with a solid buffer and opaque gates. The applicant must comply with any and all other format findings. No more than two permanent signs shall be allowed on one lot, except those lots with double frontage, in which case a maximum of three permanent signs will be permitted with at least one sign on each frontage. Staff recommends approval of the Site Plan as submitted.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

ITEM#7

ADJOURNMENT

There being no discussion, Chairwoman Izaguirre entertained a motion. Ms. Thompson moved to adjourn the meeting. Mr. Alaniz seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:15 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission