

**PLANNING AND ZONING COMMISSION**  
**APRIL 27, 2016**  
**CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Mario Garza  
Carlos Lopez  
Diana Izaguirre  
Marisela Marin

**P&Z ABSENT**

Julio Cerda

**STAFF PRESENT**

Daniel Tijerina  
Jaime Acevedo  
Susana De Luna  
Jesus Gonzalez  
Jessica O. Ochoa

**GUESTS PRESENT**

Ismena & Adiel Garcia  
Juan Lopez  
Ana Laura Lopez  
Jose R. Salinas  
Gerardo Lugo  
Antonio Madrigal

Ruben & Aurora Casiano  
Mario Gonzalez  
Olaquer & Loris Bauza  
Francisco Arellano  
Eva Ma. Lugo  
Monica Y. Gomez

Telma P. Estrada  
Mario Gonzalez  
Eduardo Gamba  
Rene Moreno  
Anthony Madrigal

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:05 p.m.

**CITIZENS PARTICIPATION**

Chairman Sheats asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR APRIL 13, 2016**

Chairman Sheats asked if there were any corrections to the minutes for April 13, 2016. Mr. Mario Garza moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:05 p.m.**

**Ended: 5:08 p.m.**

**Item #1.1**

**Rezoning:**

**Lot 5, Alex Cavazos Subdivision**  
**AO-I to C-3**  
**Ana Laura Lopez**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located along the east side of Inspiration Road 500' south of W. 3 Mile Road. The lot measures 96' x 84' or 8,063 sq. ft.

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

**EXISTING LAND USES:** N: Residential  
E: Residential  
W: Multi-Family Residential  
S: Residential  
Site: Commercial

**FLUM:** Moderate Density Residential (MD)

**REVIEW COMMENTS:** The land uses reflect the zonings shown above. Although the FLUM shows a Moderate Density Residential (MD) designation, staff notes the FLUM can be amended to reflect the C-3 use. Staff mailed notices to property owners within a 200’ radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has only received one inquiry about what was being proposed.

**RECOMMENDATION:** Approval.

Chairman Sheats asked if the applicant or representative were present.

The applicant, Mrs. Ana Laura Lopez whose address is 4116 Inspiration Road was present to address any questions from the Board.

Mr. Tijerina stated that she was the owner of the tire shop and she just wanted to bring this property into compliance to what was already there.

Chairman Sheats asked if staff had received any complaints in the past in regards to the smell.

Mr. Tijerina replied, “No”.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as per staff’s recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:08 p.m.**

**Ended: 5:13 p.m.**

**Item #1.2**

**Rezoning:**

**Lots 1, 2, and a portion of 3, 4, 5, of Block 1,  
Del Monte Orchards Company Subdivision  
C-2 to C-3  
Antonio Madrigal**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at SW corner Schuerbach Road and Business Highway 83. The irregular site consists of 21.66 acres net.

**SURROUNDING ZONES:** N: Palmview ETJ  
E: AO-I, C-2, & R-1, Agricultural Open Interim, Neighborhood Commercial, and Single Family Residential  
W: Palmview ETJ  
S: AO-I – Agricultural Open Interim

**EXISTING LAND USES:** N: Palmview ETJ  
E: Mixture of Agricultural/Commercial/Residential  
W: Palmview ETJ  
S: Agricultural  
Site: Agricultural

**FLUM:** General Commercial (GC) and Low Density (LD)

**REVIEW COMMENTS:** With the expansion of Business Highway 83, this transition zone has seen several commercial rezonings in the past. The FLUM shows a General Commercial (GC) designation fronting Business Highway 83 and Low Density (LD) further south, staff notes the FLUM can be amended to reflect the C-3 use. The property will need to be subdivided and approved prior to any use. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any comments.

**RECOMMENDATION:** Approval.

Mr. Tijerina stated that they were proposing to do a church and a daycare. He added that in speaking with Mr. Madrigal the bank was requesting that the property be zoned commercial based on the loan terms and conditions. He mentioned that this would be similar to Luz para las Naciones Church which was off of the Expressway.

Chairman Sheats asked if the applicant or representative were present.

Mr. Anthony Madrigal who resides at 708 S. 25<sup>th</sup> Street in McAllen was present to address any questions from the Board.

Chairman Sheats mentioned that basically this was going to be a large church with daycare for the parishioners and the members.

Mr. Madrigal stated that the daycare would be open for the community not necessarily for the members.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:13 p.m.**

**Ended: 5:20 p.m.**

**Item #1.3**

**Rezoning: A 6.658 acre tract of land out of Lot 16-2,  
West Addition to Sharyland Subdivision  
AO-I to R-3  
Eduardo Gamba**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located along the south side of Mile One South between Scenic Way and Los Ebanos Road. The site has 1,245' of frontage by a lot depth of 200' or 249,000 sq. ft.

**SURROUNDING ZONES:** N: P & AO-I – Public and Agricultural Open Interim  
E: R-1 – Single Family Residential  
W: AO-I – Agricultural Open Interim  
S: AO-I – Agricultural Open Interim

**EXISTING LAND USES:** N: Public and Agricultural  
E: Residential  
W: Golf Course  
S: Golf Course  
Site: Single Family Vacant

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

**REVIEW COMMENTS:** The land uses reflect the zonings shown above. The Future Land Use Map reflects a Planned Unit Development (PUD) land use. When viewing the site's 200' depth and the existing R-3's in the nearby area of One Mile South and Inspiration, R-3 appears to be consistent and perhaps a better land use than the current AO-I zoning.

**RECOMMENDATION:** Approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Eduardo Gamba who resides at 1905 Robin Avenue in McAllen was present to address any questions from the Board.

Chairman Sheats asked Mr. Gamba if the idea was to build a large apartment complex.

Mr. Gamba replied, "Yes".

Chairman Sheats asked if they were proposing to have recreational areas for the children to play and green areas.

Mr. Gamba replied, "Yes".

Chairman Sheats asked if there was any public opposition to the request.

Mrs. Loris Bauza stated that she was not in opposition but she just wanted to ask some questions. She mentioned that her husband was the owner of Meadow Creek which is now Mission West Golf Club and just needed to know if she could get some help from the City or the applicant to put up a fence to help protect the golf course from the kids that just come in with their pets.

Chairman Sheats stated that the City requires a buffer between two different zonings. He added that it could be a chain link, masonry, or cedar fence, and also shrubbery, etc. Chairman Sheats stated that they were not at that stage just yet but she could be sure that a buffer would be required.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:20 p.m.**

**Ended: 5:23 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages at the Lounge & ProShop  
1300 Circle Drive  
Being 5.17 acres out of Block C1,  
Meadow Creek Country Club Ph. 1A  
PUD  
Circle Inspiration, LLC c/o Loris Bauza**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 500' east of Inspiration Road just off J.C. Parkway and Circle Drive. The applicant has purchased the golf course at Meadow Creek and is proposing the sale and on-site consumption of alcoholic beverages at The Lounge and Pro Shop, both located within the Club House at the Meadow

Creek Country Club. Previous ownership has sold alcoholic beverages at this location for years without any incidents. However, since CUP's are not transferable, new ownership is required to apply for their own CUP.

- **Parking:** There are various parking lots and parking spaces that are held in common for the golf course, club house, swimming pool, events center, and Meadow Creek offices.
- **Hours of Operation:** Hours of operation for the Lounge will be Monday thru Sunday from 3:00 p.m. to 12:00 a.m. and from 6:30 a.m. to 7:00 p.m. for the Pro Shop.
- **Landscaping:** There are various green areas with trees and plants throughout this development.

Additionally, notices were sent to property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

**RECOMMENDATION:** Staff recommends approval for 1 year subject to wet zoning the property.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Loris Bauza stated that her husband was the owner of Meadow Creek which its dba is Mission West Golf Club. She added that now Mission West Golf Club would also like to offer beer and wine to its members.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:23 p.m.**

**Ended: 5:27 p.m.**

**Item #1.5**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – La Nahuala Restaurant  
205 N. Shary Road, Ste. D  
Lot 1, South Shary Commercial  
C-3  
La Nahuala, LLC c/o Mario Gonzalez**

Mr. Daniel Tijerina went over the write-up stating that the 1,428 sq. ft. restaurant site is located near the Northwest corner of Shary Road and 1<sup>st</sup> Street with in Lot 1 of South Shary Commercial Subdivision. This building is currently being remodeled.

- **Hours of Operation:** Wednesday – Monday from 9:00a.m. to 12:00a.m. (closed Tuesdays)
- **Staff:** 5-8 employees
- **Parking:** Viewing the floor plan, there are 48 total seating spaces, which require 16 parking spaces (48 seats/1 space for every 3 seats = 16 parking spaces). It is noted that the parking area is held in common (52 existing parking spaces) and will be shared with other businesses.
- **Sale of Alcohol:** The existing restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a single family residential neighborhood located within the 300' radius; however P&Z and the City Council waived this separation requirement in the CUP's previous approval.

**RECOMMENDATION:** Staff recommends approval subject to a 1 year re-evaluation and waiver of the 300' separation requirement.

Chairman Sheats asked if the applicant or representative were present.

Mr. Mario Gonzalez who resides at 208 N. 49<sup>th</sup> Street in McAllen, was present to address any questions from the Board.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:27 p.m.**

**Ended: 5:34 p.m.**

**Item #1.6**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Clarion Inn & Suites  
3700 Plantation Grove Blvd.  
Lot 2, Plantation Grove Hotel/Bungalow  
PUD  
Clarion Inn & Suites**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the SW corner of Plantation Grove Blvd. and Santa Lorena. Choice Hotel Partners is in the process of renovating their dining/bar area and will be offering the sale and on-site consumption of alcohol on their menu. Previously, the prior operator Hawthorn Suites had offered its guests complementary drinks thus a CUP was not required.

- **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 are a total of 331 total parking spaces held in common.
- **Hours of Operation:** The hours of operation will be from 11:00 a.m. to 11:00 p.m. Sunday thru Thursday and Friday and Saturday from 11:00 a.m. to 12:00 a.m.
- **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.
- **Other Requirements:** Must comply with all Building, Fire and Health Codes prior to obtaining a business license, inclusive of drainage requirements, fire sprinkler system, etc.

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

1. A 1 year re-evaluation to assess this new operation;
2. No objection to a waiver of 300' separation requirement from the Las Misiones Apartments;
3. Must comply with all Building, Fire, and Health Codes.

Mr. Tijerina mentioned that staff had just received a letter of opposition from Mayfair Properties, LLC located at 900 E. Lakeview Drive in McAllen, Texas. The letter stated that as landlord, they own the offices on either side of the Clarion Inn and in their offices they feature a wide variety of tenants, including students and professional offices. They may be limited in the future to lease to certain tenants who may find objectionable the sale of alcoholic beverages in their immediate facility. Additionally, they find it a major concern that alcoholic beverages can be sold so close to the neighborhoods of Sharyland to the west and the sports park to the east.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats asked if there was any public opposition to the request.

There was no response.

Chairman Sheats stated that he didn't believe the City was in the position of specifying what business goes where unless it was something that was not allowed like a pornographic store, etc.

Ms. Diana Izaguirre asked Mr. Tijerina if there was a bank on the north side of the hotel.

Mr. Tijerina replied, "Yes".

Chairman Sheats stated that it was in the middle of commercial mixed use area.



Mrs. Marin asked if there used to be restaurants in that area.

Mr. Acevedo stated that their used to be some restaurant along Plantation and the City has approved several conditional use permits for alcohol in that area.

Mr. Guerra stated that it would be basically sold within the premises.

Ms. Izaguirre stated that the alcohol was probably for their guests only.

Mrs. Marin stated that Evera's Restaurant was within the 300' radius and they sell alcohol.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:34 p.m.**

**Ended: 5:34 p.m.**

**Item #1.7**

**Conditional Use Permit:                   Zarah's Tacos Mobile Food Unit  
808 S. Shary Raod  
Lot 5A, Cimarron Crossing Ph. II Subdivision  
C-3  
Zarah Investments**

Mr. Daniel Tijerina stated that no action needed to be taken on this item.

**Started: 5:34 p.m.**

**Ended: 5:37 p.m.**

**Item #2.0**

**Homestead Exemption Variance:       .10 acre tract of land out of the North half  
Lot 30-7, West Addition to Sharyland Subdivision  
207 Victory Street  
R-1  
Benito Villalpando**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located along the north side of Victory Street about ¼ east of Conway Blvd. The lot measures 40' x 87.1' which equals to 3,485 sq. ft. If approved the applicant will also need a variance granted to build on single family residence on property not meeting the R-1 size requirements. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home. In this case, the applicant has applied and been granted assistance from the City's CDBG program. If approved, the applicant will receive assistance for a new residence.

**WATER** – The applicant is proposing to connect to an existing 2” water line located along the south side of Victory to provide water service to the lot.

**SEWER** – The applicant is proposing to connect to existing 8” sanitary sewer line along the north side of Victory that provides service to the lot. The capital sewer recovery fee is waived via the HVE.

**STREETS & STORM DRAINAGE** – The subject site has frontage to Victory Street, which has a 50’ ROW with a 32’ B/B paved street. No additional ROW will be requested. Drainage will be onsite.

**OTHER COMMENTS**

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The street light requirement is also waived via the HEV.
- The park fees are also waived

**RECOMMENDATION:** Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the homestead exemption variance as per staff’s recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion was approved unanimously.

**Started: 5:37 p.m.**

**Ended: 5:39 p.m.**

**Item #2.1**

**Homestead Exemption Variance:**

**A tract of land of the north ½ of the north 11.08 Acres lying west of the main canal of the United Irrigation District, Lot 31-3, West Addition to Sharyland Subdivision  
AO-I  
Raul Cantu, Jr.**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located along the east side of Los Ebanos Road about ¼ south of 3 Mile Road. The lot measures 146.9’ x 719’ which equals to just under 2.5 acres. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City’s subdivision requirements if and only if, the lot is being proposed for the applicant’s personal single family home.

**WATER** - The applicant is proposing to connect to an existing 8" water line located along Los Ebanos to provide water service to the lot.

**SEWER** – The applicant is proposing to connect to existing 15" sanitary sewer line also located along Los Ebanos to provide sewer services to the subject site. The capital sewer recovery fee is waived via the HVE.

**STREETS & STORM DRAINAGE** - The subject site has frontage to Los Ebanos Road, which should have an 80' ROW with a 65' B/B paved street. The applicant must provide an addition 15' of ROW for the widening of Los Ebanos.

**OTHER COMMENTS**

- Must comply with Model Subdivision Rules;
- Must dedicate water rights;
- The street light requirement is also waived via the HEV.
- The park fees are also waived

**RECOMMENDATION:** Staff recommends approval subject to compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the homestead exemption variance as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion was approved unanimously.

Ms. Diana Izaguirre stepped down from the Board.

**Started: 5:39 p.m.**

**Ended: 5:45 p.m.**

**Item #3.0**

**Preliminary & Final Plat Approval:**

**Los Encinos at Bentsen Palm Subdivision  
A 12.025 acre tract of land out of Lot 335,  
And the South 5.0 acres of Lot 337,  
Bentsen Groves Subdivision  
ETJ**

**Developer: I & F Land Developers, LLC**

**Engineer: Quintanilla, Headley & Associates, Inc.**

Mr. Daniel Tijerina went over the write-up stating that the proposed subdivision is located approximately ¼ mile north of Mile 8 North Road along the east side of Bentsen Palm Drive (Mission ETJ). The developer is proposing 19 Single Family Residential lots all exceeding area requirements.

**WATER** - The water CCN belongs to Sharyland Water Supply Corporation. The developer is proposing to connect to an existing 6" line located along the west side of Bentsen Palm Drive to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction or funds escrowed pending approval of SWSC water line access agreement.

**SEWER** - In regards to sewer, this subdivision will use on-site sewage facilities in accordance with TCEQ and Hidalgo County Regulations for sewage.

**STREETS & STORM DRAINAGE** - The subdivision has frontage to Bentsen Palm Road which should have an 80' ROW with a 65' B/B paved street. The applicant must provide an addition 5' of ROW for the future widening of Bentsen Palm Road. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the County's construction specifications. Detention will be provided in a proposed Regional Detention Pond being dedicated as Lot "A" to the Hidalgo County Drainage District No. 1 and to be located at the east side of the subdivision. Runoff from the street and lots will be collected by a storm sewer system consisting of Type A inlets and Pipes 18" and 24" in size that will connect to the proposed pond.

Mr. Tijerina mentioned that some concerns were brought to his attention regarding the elevation, contours, and the runoff but staff will advise the project engineer since he was not present.

**RECOMMENDATION:** Staff recommends approval subject to: 1) Must meet the Model Subdivision Rules; 2) Comply with the street alignment policy; 3) Must pay the capital sewer recovery fees; and 4) Comply with comments from the County Planning Department.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats stated that he had an issue in regards to the retention because they were specifying detention and to him detention meant that they are exits for the water to drain off at a slower rate and he didn't see any pipes to drain at all. He added that this would create a flooding area for the people to the south and east of them because the fall from Bentsen Palm is like 6'. Chairman Sheats suggested that this item be 'tabled' until the project engineer could be present to answer those questions.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to 'Table' the subdivision plat. Mr. John Guerra seconded the motion. Upon a vote, the motion was approved unanimously.

**ITEM #4.0  
OTHER BUSINESS**

**ITEM #5.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:01 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission