

**PLANNING AND ZONING COMMISSION  
SEPTEMBER 9, 2015  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Carlos Lopez  
Mario Garza  
John Guerra  
Julio Cerda

**P&Z ABSENT**

Marisela Marin  
Diana Yzaguirre

**STAFF PRESENT**

Daniel Tijerina  
Susana De Luna  
Patricio Martinez

**GUESTS PRESENT**

Elena Cepeda  
Fayola McKee  
Herman Gast  
Gerardo Hinojosa  
Alan Wright  
Shirley Broadbent  
Rene Barrera, P.E.

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR AUGUST 26, 2015**

Chairman Sheats asked if there were any corrections to the minutes for August 26, 2015. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:07 p.m.**

**Item #1.1**

**Conditional Use Permit:**

**To Construct a New Home in an R-4 Zone  
1404 E. Business Highway 83  
Being 5.84 acres out of Lot 20-12,  
West Addition to Sharyland Subdivision  
R-4  
Ricardo Fuentes**

Mr. Daniel Tijerina went over the write-up stating that the property is located approximately 700' west of Stewart Road on the south side of Business 83. The dimensions of the property are 216.77' wide by 996.60' in depth. A single family home was constructed on the property in 1977. It is noted that the perimeter of the property has 10' cement wall with stones on it. There is a gate off of Business 83 and two others along the east side of the property.

Staff visited the site with the applicant and took pictures of the existing home and structures which will be demolished because they are beyond repair. The existing structures were constructed between 1973 and 1977.

A new 5,242 sq. ft. home with other amenities such as a terrace, outdoor living area, and a detached garage will be constructed for the applicant and his family. The total square footage including all exterior areas is 8,230.83 sq. ft.

A single family house can be constructed in an R-4 zone subject to the structure meeting the requirements for the R-1 District. All area requirements and building codes will be met. Staff mailed notices to property owners within a 200' radius, and as of the date of this write-up, we have not received any comments in favor or against this request.

**Recommendation:** Staff recommends approval for life of use.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Gerardo Hinojosa who resides at 2102 Dolly Street in Edinburg stated that he was the contractor for this project and was present to address any questions from the Board.

Chairman Sheats thanked him and the applicant for bringing in a nice home to the City of Mission.

Mr. Mario Garza asked Mr. Tijerina if he owned the front portion of property fronting Business 83.

Mr. Tijerina stated that Mr. Fuentes owned the whole area and he will have access to the back part of the property via a 20' access easement on the east side of the property.

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

**Started: 5:07 p.m.**

**Ended: 5:14 p.m.**

**Item #1.2**

**Conditional Use Permit:**

**Rico Suave Drive-Thru #2 Convenience Store  
3300 N. Inspiration Road  
Lot 1, Gomez Estates Subdivision  
C-2**

**Juan R. Villarreal**

Mr. Daniel Tijerina went over the write-up stating that the site is located at the NE corner corner of Inspiration Road and Mile 2 Road. The subject site currently has an existing drive-thru business. This CUP was approved by P&Z and City Council for a drive-thru business on 6-8-15 for a period of 1 year. The previous applicant is no longer the operator of the drive-thru. Mr. Villarreal wishes to open his second drive-thru business at this location. Primary access into the drive-thru business is from Mile 2 Road, then exiting out through Inspiration Road.

- **Days/Hours of Operation:** Monday – Sunday from 10 a.m. to 1 a.m.
- **Staff:** 4 employees
- **Parking:** The drive-thru business measures 3,506.1 sq. ft. which requires 12 parking spaces and the existing water mill requires 4 spaces. There are a total of 14 parking spaces, plus enough space for 3 vehicles within the building a total of 17 spaces.

**Review Comments:** Notices were sent within 200' radius of the site, and as of the date of this writing (9/4/15), staff has not received any comments in favor or against the CUP.

**Recommendation:** Staff recommends approval for 1 year.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

Chairman Sheats asked if they were in compliance with ADA requirements.

Mr. Tijerina stated that the applicant was a police officer, who was probably still working but he had an opportunity to meet with him prior to the meeting and he is willing to comply with all the requirements.

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

**Started: 5:14 p.m.**

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

**Item #1.3**

**Conditional Use Permit:**

**To have a Drive-Thru Service Window  
For Kali's Tortilla Factory & Bakery  
600 N. Shary Road  
Lot 1, Esdras Vega Subdivision**

**C-3**  
**Elena C. Cepeda**

Mr. Daniel Tijerina went over the write-up stating that the site is located at the NE corner of E. 6<sup>th</sup> Street and Shary Road. The applicant is proposing to lease a suite within this commercial development to have her tortilla and bakery with a drive-thru service window. Access to the site will be provided off of E. 6<sup>th</sup> Street, through an existing 24' driveway. Customers can park within the shared parking area to purchase items, or they can use the drive-thru service window.

- **Days/Hours of Operation:** Monday – Friday 7 a.m. to 8:30 p.m., and Saturday and Sunday – 6 a.m. to 8 p.m.
- **Staff:** 10 employees total working differing shifts.
- **Parking:** There are a total of 58 parking spaces held in common for the plaza. In speaking with the applicant, 100% of her business will be for take-out, thus staff does not anticipate any concerns with parking.
- **Landscaping:** The landscaping, paving and drainage for the entire plaza meets code.
- **Menu:** Barbacoa, tripas, carnitas, mollejas, chicharrones, tamales, menudo, pan dulce, sodas, milk, and salsa – (all items are to go).
- Must comply with Building, Fire, and Health codes prior to obtaining a business license.

Chairman Sheats asked if the City had any special requirements in regards to having a restroom for men and women.

Mr. Tijerina replied, "No".

**Review Comments:** In reviewing the floor plan, there is a counter, a restroom for customers and employees, an area for refrigerators and customers, and the rest of the space is work area to prepare the pastries, food, and tortillas. The dimensions of the suite are 32' wide by 53' in depth – 1,722 sq. ft. The service window will be along the south side of the building. Traffic will travel in an easterly direction within a one-way lane and exit onto E. 6<sup>th</sup> Street at the easternmost area of the property.

Staff mailed letters to property owners within a 200' radius of the property, and as of the date of this write-up, we have not received any comments for or against this request.

**Recommendation:** Staff recommends approval subject to: 1) 1 year re-evaluation, 2) CUP is not transferable to others, and 3) compliance with Building, Fire and Health codes.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Elena Cepeda who resides at 2912 Kerria Avenue in McAllen was present to address any questions from the Board.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda 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: 5:23 p.m.**

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

**ITEM #1.4**

**Conditional Use Permit:**

**To Place a 10' x 14' Portable Building  
for Lynda's Sweets & Treats  
4210 N. Inspiration Road  
Lots 10 & 11, Alex Cavazos Subdivision  
C-3  
Cecilio Martinez, Jr.**

No action taken on this item.

**ITEM #2.0**

**OTHER BUSINESS**

**ITEM #3.0**

**ADJOURNMENT**

There being no further items for discussion, Mr. Julio Cerda moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:25 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission