

PLANNING AND ZONING COMMISSION
MAY 8, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Raquenel Austin
Ruben Arcaute
Debra Lee Alvarez
Diana Izaguirre
Javier Barrera
Jasen Hardison

P&Z ABSENT

Hector Moreno

STAFF PRESENT

Jaime Acevedo
Maribel Quintanilla
Officer Chapa

GUESTS PRESENT

Ana Escobar
Daniel Escobar
Diane Luther
Dennis Luther
Juan Ramon Amaya
Raul Santiago
Mariano Morales
Jaime Valdez

Daniel Valdez
Alma Bailey
Al Bailey
Jorge Hernandez
Irma Johnson
Miguel Kamel
Paula Weels
Tommy Thomson

Monica Epling
Seth Epling
James Epling
Grant Siegler
Jorge Ancer
Luis Elizondo
Marisol Elizondo
Jose Terrazas
Garrett Edward

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR APRIL 24, 2019 Chairwoman Izaguirre asked if there were any corrections to the minutes for April 24, 2019. Mr. Javier Barrera moved to approve the minutes as presented. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:41 p.m.

Item 1.1

REZONING:

A 2.371 acre tract of land situated on Lot 256
John H. Shary Subdivision
R-1 to R-1T
Miguel Kamel

Mr. Jaime Acevedo went over the write-up stating that the property is located 450' north of Griffin Parkway (F.M. 495) along the west side of Taylor Road.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: McAllen City Limits
W: R-1 – Single Family Residential &
C-3 – General Commerical
S: R-3 – Multi-Family Residential

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

FLUM: Low Density (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density (LD) land use. Currently, zonings include a mixture of commercial, multi-family, and single family residential for this area. What may be considered is a stair step effect coming off south to north. Zonings would come from C-3 to R-3 then to R-1T and ultimately to R-1. 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, we had 1 person in opposition. The applicant has talked to and reached a resolution or compromise with that individual who owns Lot 8 in Las Canteras Subdivision.

RECOMMENDATION:
Approval.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Monica Epling approached the board expressing her concerns. Safety issues, lack of privacy, trash during and after construction and high density of people.

Mrs. Alvarez agreed with privacy concerns that Mrs. Epling has.

Mr. Acevedo replied that most of the homes are two stories and that we can't limit people to a 1 single story home, wether it's a R-1 or R-1T, they can go up 2 stories if they want.

Mr. Arcaute asked if it's going to be similar to Adams Crossings.

Mr. Acevedo replied "no" because Adams Crossings is a multi-family development. These are townhouses that can be 1 story or 2 story homes with their own garage.

Chairwoman Izaguirre asks if it was going to be fenced.

Mr. Acevedo replied that he will be fencing whatever is not fenced because Las Canteras is fenced already.

There being no further discussion, Mrs. Raquene Austin moved to approve the rezoning request as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:42 p.m.

Item #1.2

CONDITIONAL USE PERMIT: To Place a Portable Building-Tutoring Service
(Citizenship & GED Preparation)
511 W. 11th Street
The East fraction of Lots 1 & 2, Block 178,
Mission Original Townsite Subdivision
C-4
Agueda Pena Aguinaga

No action was taken on this item.

Started: 5:42 p.m.

Ended: 5:44 p.m.

Item #1.3

CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic Beverages
Atomix Wings & Grill
302 W. Griffin Parkway, Suite A-B
All of Lot 2, Storage Depot Subdivision
C-3
Juan Ramon Amaya Ochoa

Mr. Acevedo went over the write up stating that the establishment is located approximately $\frac{1}{4}$ west of Conway along the north side of Griffin Parkway (F.M. 495). The applicant is proposing to add the sale of wine to their restaurant shop located within a commercial plaza.

- **Hours of Operation:** Tuesday through Thursday from 10:00 a.m. to 10:00 p.m. and Friday through Sunday from 10:00 a.m. to 12:00 a.m., closed Mondays.
- **Staff:** A total of 8 employees will man the operation during different shifts.
- **Parking:** The subject site shares use of common parking for the commercial plaza within Storage Depot Subdivision. There are 244 parking spaces, meeting code for this existing mixed use as proposed.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public

hospital. There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)

- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are no residences within this radius.

We did send 10 notices to residents within a 200' radius, as of the time of this writing Staff had not received any opposition to the request.

RECOMMENDATION: Approval subject to: 1)CUP to be valid from a period or 2 years from issuance of TABC License and 2) wet zoning of the property if not already done.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There was none.

There being no further discussion, Mr. Ruben Arcaute moved to approve the conditional use permit request as per staff's recommendation. Mrs. Debra Lee Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:44 p.m.

Ended: 6:37 p.m.

Item #1.4

CONDITIONAL USE PERMIT: Restaurant in a property zoned (C-2)
Neighborhood Commercial
2015 N. Shary Road
C-2
Jorge Ancer

Mr. Acevedo went over the write up stating that the subject site is located at the SW corner of Shary Road and Summer Breeze. The property currently has a multi-unit commercial building under construction. The applicant intends to open a small sandwich shop restaurant on the property. The property zoned 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).

- **Hours of Operation:** Monday – Friday from 9 a.m. to 9 p.m., Saturdays from 10 a.m. to 7 p.m., and Sundays from 12 p.m. to 7 p.m.
- **Staff:** 3
- **Parking:** The interior layout of the restaurant has still not been determined. The commercial complex has a total of 56 parking spaces that will be held in common. Staff will monitor the business that occupies the commercial development so that parking codes are met. For a restaurant code requires 1 parking space for every 3 seats.
- **Landscaping:** The site is still under construction but Staff has approved a landscaping plan for this development.

- Must comply with all Building, Health and Fire Codes prior to obtaining a business license.

REVIEW COMMENTS: The P&Z has seen previous requests for restaurants in a C-2 zone without creating a negative impact to the surrounding areas. However, in a previous request at this location on January of 2019, the residents of Summer Breeze heavily opposed the consideration of a CUP for a taqueria with drive-thru window at this development. The proposed sandwich shop will not have a grease trap, will not have a drive-thru window, nor will it have the extended hours of a taqueria. In addition, the applicant has talked to some of the neighbors in hopes of reaching an agreement with the residents of Summer Breeze and has agreed to install a solid buffer to the north and west of his development. Prior to this, the applicant has also agreed to close off all access to Summer Breeze. Staff believes that the applicant is working with his neighbors and that the proposed sandwich shop would not have a negative impact to the area since the hours of operation are reasonable.

RECOMMENDATION: Staff recommends approval for 1 year after business license issuance subject to: 1) Must comply with parking requirements; 2) Must comply with the landscaping code; 3) Must comply with Building, Health, and Fire Codes; 4) Must obtain a business license prior to business occupancy.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

Mr. Dennis Luther is in opposition to the request. His main concerns include all the trash that bring rats, possums, raccoons, trees being torn down, drainage, no concrete fence and flooding and parking on street. He also stated that he never received a notice about the rezoning to a C-2 Neighborhood Commercial for the location.

Mr. Luis Elizondo was in opposition and stated his main concern is “kid’s safety”, traffic, flooding, grease trap and eventually approving a restaurant applying for alcohol and waiver of hours.

Mrs. Alma Bailey voiced being upset when the commercial development was rezoned nobody in her neighborhood received letters notifying the community of the rezoning.

Mr. Grant Siegler is in opposition and stated that his concerns are drainage and trash.

Mr. Garret Edwards is in opposition and stated that all concerns are traffic and the strip center attracts and safety of the kids when getting dropped off from school.

Mr. Tommy Thomson is in opposition and stated that all concerns are traffic, safety, crime, grease trap, strip center and drainage need to really be considered by the board. Property owners do not want a restaurant in the community.

Chairwoman Izaguirre asked if there were any comments from the board in favor or against this request.

Mrs. Debra Lee Alvarez asked Mr. Acevedo why exit and entrance were still open when it was supposed to be close 3 months ago.

Mr. Acevedo stated that they are still under construction, nothing finalize yet.

Chairwoman Izaguirre commented that this was unacceptable. Employees are supposed to park on the property not on the street, she didn't know kids were being drop off there.

Mr. Jorge Ancer, the applicant was present. He stated that Shary Road is the most popular road in Mission. It is a 5 lane road and it is almost all zoned commercial. Mr. Ancer is willing to cooperate and fix all citizen's concerns and stated that he will continue insisting every 2 or 3 months until city members approve a restaurant. He is only bringing restaurants that work for the community without the sell of alcohol.

Chairwoman Izaguirre asked if there were any more comments from the board in favor or against this request.

Mrs. Raquenel Austin stated that kid's safety and the open area concerns her.

Mr. Acevedo responded that prior to occupancy it will be closed.

Mr. Ruben Arcaute stated that the structure needs to be closed. Kid's safety is an issue and the parking but his biggest concern is the safety of the children.

Chairwoman Izaguirre discussed the parking space with the applicant and asks him to park inside his property and unblock Summer Breeze Street.

Mr. Ancer replied that he will have his employee's park inside his property.

There being no further discussion, Mrs. Debra Lee Alvarez moved to tabled the item. Mr. Javier Barrera seconded the motion. With Mr. Jasen Hardison dissenting.

Mr. Acevedo closed the item by stating that drainage issue is being taking care by the city.

Started: 6:39 p.m.

Ended: 6:40 p.m.

Item #1.5

CONDITIONAL USE PERMIT

RENEWAL:

To keep a Portable Building for
Sales Office Use – M's Auto Sales
1523 E. Expressway 83
Lot 6, Henry Saenz Subdivision

C-4
MM & MP Enterprises, LLC

Mr. Acevedo went over the write up stating that the request is to keep a 'portable building' to be used as a sales office for the sale of automobiles. Currently, there is a portable building that has been used as a sales office for the sale of automobiles since January 26, 2005. The current applicant has been at this location since February 2018 when his CUP was initially approved by the PNZ and City Council. It is noted that Lots 1-5 of this subdivision all have portable buildings thereon that are also used as automobile sales offices.

- **Hours of Operation:** The proposed hours of operation will be Monday through Saturday from 10 am to 6 pm
- **Staff:** 4-6 employees will man the operation
- **Parking & Landscaping:** A 193' X 84' asphalt area exists in the front of the building. It will serve as the display area for the vehicles and as parking for patrons as well. A minimum of 5 parking spaces are required for the proposed use based on the square footage of the building. Staff observes that the lot is in a highly visible area—NW corner area of U.S. Expressway 83 and Stewart Road. Like we have done with the other existing auto and truck sales dealers in the area, we are asking that the applicant improve the landscaping in the front display area of the lot.

RECOMMENDATION: Approval for a period of 3 years and applicant to completely enclose the rear storage area of the site from public view.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There was none.

There being no further discussion, Mr. Ruben Arcaute moved to approve the conditional use permit request as per staff's recommendation. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:40 p.m.

Ended: 6:44 p.m.

Item #2.0

**PRELIMINARY & FINAL
PLAT APPROVAL:**

Mayfair Residence Subdivision Phase I
Being a 11.11 acre tract of land out of
Lots 7 & 8 and the East 2.00 acres of
Lot 6, Rees Subdivision
R-1

Developer: Union Design Developers

Engineer: South Texas Infrastructure Group

PLAT DATA

The proposed subdivision is located at the NW corner of Stewart Road and Trinity Road. The developer is proposing 42 Single Family Residential lots, all exceeding the area and frontage requirements of an R-1 lot. Previously, a larger 83 lot private subdivision had been approved. The developer would like to split the project into two phases and has requested a revised Phase I plat now be considered.

VARIANCE #1 – To allow the subdivision to be private and gated. The subdivision code states that a “Lot means an undivided tract or parcel of land having frontage on a public street...” We have seen many similar proposals for gated communities and we do not see any issues regarding this proposal as well. Staff does not object to this variance.

WATER - The developer is proposing an 8” water system to an existing 8” line located along the west side of Stewart Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal’s direction.

SEWER - In regards to sewer, the developer is proposing to connect an 8” sanitary sewer line to an existing 8” sewer line along the east side of Stewart Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 42 lots X \$200.00/Lot = \$8,400.00.

STREETS & STORM DRAINAGE

The subdivision has frontage to Stewart Rd., which is a future 60’ ROW 43’ B/B street. There is an additional 10’ of ROW proposed which will comply with the requirement of 60’ from centerline. There is no additional ROW required along Trinity. The developer will be widening Stewart Road during the utility phase of this subdivision, no fees will be collected by City for street widening costs. The internal lots will be fronting a 50’ ROW 32’ B/B paved street built to the City’s construction specifications. Drainage for the subdivision is proposed via Type A inlets connected to 24” RCP drainage line draining into the nearby Hidalgo County Drain Ditch No. 1.

OTHER COMMENTS

Escrow Park Fees **(42 Lots X \$500.00 = \$21,000.00)**

Installation of Street Lighting as per City standards

Install or Escrow 5’ sidewalks along Trinity & Stewart Rd. **(1600’ X \$12.00/L.F.= \$2,345.88)**

Exclusion from the Water District

RECOMMENDATION

Staff recommends approval subject to:

1. No objection to variance, subject to meeting private street policy;
2. Must meet the Model Subdivision Rules;
3. Comply with the street alignment policy; and
4. Must pay the capital sewer recovery fees.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There was none.

There being no further discussion, Mr. Ruben Arcaute moved to approve the Preliminary & Final Plat Approval request as per staff's recommendation. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

There was no other business.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:44 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission