

PLANNING AND ZONING COMMISSION
JUNE 26, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.

P&Z PRESENT

Raquenel Austin
Ruben Arcaute
Debra Lee Alvarez
Jasen Hardison
Javier Barrera
Hector Moreno

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

Jaime Acevedo
Maribel Quintanilla
Susie De Luna
Officer Chapa

GUESTS PRESENT

Ana Escobar
Hernan Vela
Janie Cantu
Eric Hernandez
Julio Abrego
Jaime Valdez
Norma Zaragoza
Isaac N. Juarez

Annette Zavala
Jose Zavala
Yolanda Hernandez
Adolfo Garcia
Rosa Dimas

CALL TO ORDER

Vice Chairman Javier Barrera called the meeting to order at 5:34 p.m.

CITIZENS PARTICIPATION

Vice Chairman Javier Barrera asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR JUNE 12, 2019 Vice Chairman Barrera asked if there were any corrections to the minutes for June 12, 2019. Mrs. Debra Alvarez moved to approve the minutes as presented. Mr. Hector Moreno seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:52 p.m.

Item 1.1

REZONING: Lot 6, Abrego Estates
R-1 to R-2
Julio Abrego

Mr. Jaime went over the write up stating that the subject site is located at the intersection of Davina and Selena Street, along the North side of Selena Street.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

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

Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The predominate land use in this area of town is long standing Single Family (R-1) residential. Staff feels that surrounding the area to Duplex Fourplex would have a detrimental effect on an area that has long been Single Family Residential. Changing the zone to R-2 would also be spot zoning since there is R-1 residential to all directions. There has been opposition voiced by the surrounding neighbors to the south.

RECOMMENDATION:
Denial.

Vice Chairman Barrera asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Anette Zavala was in opposition to the request. Her concerns were traffic, vandalism, children's safety and spot zoning.

Mrs. Rosa Dimas was also in opposition. Vandalism and removal of the cedar fence are her main concern.

Mr. Acevedo stated that staff didn't find any restriction that the fence needed to stay up.

Mr. Jose Zavala was present and in opposition. He stated that he didn't wanted apartments because people rent the place causes problems and leave.

Mr. Juan Casanova is in favor. He stated that having a private subdivision with a security will bring some peace to his life.

The applicant was present. He understands the concerns. He stated that when you build a low income home near your home, it brings down your property value but this is a nice private subdivision with security that will add value to their properties.

Mrs. Alvarez asked Mr. Acevedo where the multi-family homes are

Mr. Acevedo responded to the South side of the development

Mrs. Alvarez asked Mr. Acevedo why they don't keep building homes

Applicant respondent that in a business sense it will be difficult to build a large home. Is a simple business decision.

There being no further discussion, Mrs. Debra Lee Alvarez moved to deny the request as per staff's recommendation. Mrs. Raquene Austin seconded the motion.

Started: 5:52 p.m.

Ended: 6:00 p.m.

Item #1.2

REZONING: The North 194.79; out of the South 854.79' out of the East 223.63' of Lot 186, John H. Shary Subdivision
AOI to R-1T

SITE: The subject site is located between Cassandra Street and Rosalinda Street 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
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: McAllen
W: Residential
S: Drainage Easement
Site: Agricultural

FLUM: Low Density (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density (LD) land use. Currently, zonings include a mixture of residential and agriculture properties in this area. It is noted that the surrounding subdivision to the north does have a solid buffer with the subject site. There is also a drainage easement bordering this property to the south. We have approved two similar requests along Taylor where the properties seemed to be isolated from their surrounding neighbors. These properties were

rezoned to R-3 and R1-T. Staff mailed out 23 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 not had anyone in favor or opposition of the request.

RECOMMENDATION: Since we have approved similar requests along Taylor in recent months, Staff is recommending approval.

Vice Chairman Barrera asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Norma Zaragoza was present. She stated that noise would be a concern. She asked Mr. Acevedo how many units will be build and if developer is going to have a cedar or masonry fence

Mr. Acevedo respondent that minimum requirements are a solid fence and are up to the developer if he wants to put a masonry fence or a cedar fence. City cannot impose.

Hernan Vela was also present but only to say that he wants someone to clean and cut the yard.

Leticia Rios was also present and her concern was the mesh fence that they have right now.

Isauro Trevino Representative of the Applicant was present. He stated that he will immediately take care of code enforcement issue.

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

Started: 6:00 p.m.

Ended: 6:31 p.m.

Item #1.3

CONDITIONAL USE PERMIT: To Place a Portable Building for Educational Purposes – 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 P. Aguiñaga

REVIEW DATA

Mr. Acevedo went over the write up stating the site is located 200' west of Kika De La Garza Loop along the south side of W. 11th Street. This site currently has a 73' X 20'

portable building that is currently being used for storage as is allowed in a C-4 zoning. Now the applicant desires to operate a citizenship & GED preparation business from this portable building. The portable is setback approximately 40' from the property line and is facing W. 11th Street. Access to the site will be strictly off W. 11th Street with additional parking for staff with entrance from alley.

- **Hours of Operation:** Monday – Friday from 10:00 a.m. to 8:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m., Closed Sundays.
- **Staff:** 2 employees will operate the business
- **Parking & Landscaping:** A business office of this size requires a minimum of 4 parking spaces. The applicant is proposing 4 new spaces adjacent to the portable building. Staff is requiring the new parking area to be constructed of asphalt or all-weather surface and must comply with the minimum parking code requirements of the City of Mission, i.e. 9' x 18' spaces with a 24' maneuvering lane. Landscaping codes must also be complied with.

REVIEW COMMENTS: While it is common for schools to use temporary buildings and some sales offices to use temporary buildings, this would seem to be the first CUP for a portable building to be considered for commercial instructional use. Thus, perpetual (CUP) monitoring will be the norm where one day the portable will need to be upgraded with an on-site built structure.

RECOMMENDATION:

Approval subject to:

- 1) 1 yr. re-evaluation in order to assess this new operation
- 2) Installation of paved parking facility
- 3) Comply with all building setbacks
- 4) Comply with all Building, Fire, & Health codes
- 5) Comply with the City's sign, landscaping, and fence buffer codes if applicable
- 6) Acquire a new business license prior to occupancy. (NOTE: All items must be met prior to receiving the business license.)

Vice Chairman Barrera asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Ana Escobar was present and in opposition. Her concerns are traffic and parking.

Mr. Alvaro Valdez was also present and in opposition. His concern is the traffic.

There being no further discussion, Mr. Jason Hardison moved to approve the Conditional Use Permit request as per staff's recommendation. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:31 p.m.

Ended: 6:40 p.m.

Item #1.4

CONDITIONAL USE PERMIT RENEWAL: Drive-Thru Service Window -
Snowball Express
1712 W. Griffin Parkway
Lot 22, Block 4, Oakwood Estates Subdivision
C-3
Snowball Express, LLC, c/o Elgin Xavier

REVIEW DATA

Mr. Acevedo went over the write up stating that the site is located approximately 64' west of Kristi Lane along the north side of Griffin Parkway. The applicant obtained a CUP for a sno-cone stand with two drive-thru service windows in 2013. Access to the site is provided off of Griffin Parkway with a 24' driveway—**see aerial**. The most recent renewal came on May 14th, 2018 at which time a 1 year renewal was awarded.

- **Hours of Operation:** Every day from 10:00 a.m. to 2:00 a.m.
- **Staff:** 12 employees
- **Parking:** The building measures approx. 830 sq. The number of parking spaces required for this size building is 5. The applicant is providing 4 spaces along the front and 2 parallel spaces located on the west side of the lot. There is also stacking for approximately 4 cars when placing orders.
- **Landscaping and Buffering:** The applicant has two shade trees along the front of the lot. There are also 3' continuous landscape hedges and a 6' cedar fence to provide a buffer from the commercial and residential uses.

REVIEW COMMENTS: The snow cone business has been in operation for over 5 years now. Recently, the applicant has ignored the conditions of the most recent approval by the PNZ and City Council. During the last approval on May 14th, 2018, the City Council approved, by ordinance that all business operations close at 10:00 p.m. every day of the week. The applicant has kept his hours of operation until 1:00 to 2:00 am in the morning. We continue to get complaints from the neighbors about Snow Ball Express customers playing loud music and vehicles with loud exhaust mufflers revving their engines while they wait for their orders in the drive thru lane.

Staff supports this local business and would like the applicant to continue his use of his drive-thru windows. However, since the hours of operation have not been followed, Staff can no longer support this operation. There are documented calls to police on noise and long lines of customers using Griffin Parkway F.M. 495 for stacking.

RECOMMENDATION: Denial.

Vice Chairman Barrera asked if there were any comments from the board or the audience in favor or against this request.

Mrs. Janie Cantu was present and in opposition. Her concerns are traffic and noise.

Mrs. Alvarez asked Mr. Acevedo if this is the same man from Mayberry Street

Mr. Acevedo respondent yes

Mrs. Alvarez is concern about the lane of traffic at late hours

There being no further discussion, Mr. Arcaute moved to deny the Conditional Use Permit request as per staff's recommendation. Mrs. Alvarez seconded the motion.

**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. Mr. Hardison seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:40 p.m.

Javier Barrera, Vice Chairman
Planning and Zoning Commission