

**PLANNING AND ZONING COMMISSION
APRIL 22, 2020
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Javier Barrera
Diana Izaguirre
Debra Alvarez
Jasen Hardisen
Bealinda DeForest
Raquenel Austin
Ruben Arcaute
Hector Moreno

P&Z ABSENT

STAFF PRESENT

Susana De Luna
Jessica Munoz
Alex Hernandez
JP Terrazas
David Flores

GUESTS PRESENT

Abel Bocanegra
Eric Fernandez
Rogelio Hernandez
Carmen Rivera
Michael Mendoza
Ken DeJarnett
Abel Hernandez
Fred Kurth
Mike Rhodes

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 26, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for February 26, 2020. Mr. Javier Barrera moved to approve the minutes as presented. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:33 p.m.

Item #1.1

Rezoning:

**The North 153.7' of the West 115.08'
of Lot 4, Block G, Wright Addition
C-3 to R-2
Julio Abrego**

Mrs. De Luna went over the write-up stating that this site is located between Mayberry Road and Highland Park along the south side of E. Tom Landry. The lot measures 115.08' x 153.70' a total of 17,687.80 sq. ft.

SURROUNDING ZONES:

N: R-2 Duplex-Fourplex Residential
E: C-3 General Business

W: C-3 General Business
S: C-3 General Business

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

FLUM: The Future Land Use Map reflects a (GC) General Commercial designation.

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, R-2 is a less dense land use and a good fit for this area.

RECOMMENDATION: Approval.

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

Representing the applicant Mr. Eric Hernandez was available to address any questions the board might have.

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

Started: 5:34 p.m.
Ended: 5:34 p.m.

Item #1.2

**Conditional Use Permit: To Place a Portable Building –
Car Sales Office Use
1519 E. Expressway 83
Lot 4, Henry Saenz Subdivision
C-3
Red Point, LLC**

No action taken on this item.

Started: 5:35 p.m.
Ended: 5:37 p.m.

Item #1.3

**Conditional Use Permit: Sale & On-Site Consumption of
Alcoholic Beverages – The Bungalows on Shary
3700 Plantation Grove Blvd.**

**Lots 1 & 2, Sharyland Plantation Grove
Hotel/Bungalow
PUD
Cantu Bungalows, LLC**

Ms. De Luna went over the write-up stating that this site is located on the SW corner of Plantation Grove Blvd. and Santa Lorena. A CUP for the Sale & On-Site consumption of Alcohol was previously approved on 6/13/16 for Clarion Inn & Suites for a period of 1 year at this location. Since CUP's for alcohol are not transferable to others, the new owner would like to apply for their own permit.

- **Staff:** 9 employees
- **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 is a total of 331 total parking spaces held in common.
- **Hours of Operation:** Hotel hours of operation are 24 hours a day seven days a week, and Restaurant hours of operation will be from 11:00 a.m. to 12:00 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; and
4. Acquisition of a business license.

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

Their being none

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:39 p.m.

Item #1.4

**Conditional Use Permit
Renewal:**

**Sale & On-Site Consumption of Alcoholic
Beverages – Mariscos El 7 Mares #2
2500 E. Expressway 83, Ste. 100
Lot 5B, Sharyland Place Subdivision
C-3
7 Mares Mexican Seafood Cocina, LLC**

Ms. De Luna went over the write-up stating that this site is located within the Kohl's Commercial Plaza approximately ¼ mile east of Shary Road along the south side of Expressway 83. The applicant is requesting a Conditional Use Permit renewal for their existing restaurant. The most recent approval was on February 26, 2018 for a period of 2 years

- **Hours of Operation:** Monday – Sunday from 11:00a.m. to 9:00p.m
- **Staff:** 4 employees
- **Parking:** There are 64 total seating spaces, which require 21 parking spaces (64 seats/1 space for every 3 seats = 21.3 parking spaces). It is noted that the parking area is held in common (657 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to Wal-Mart's existing, interlocking parking lots.
- **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.)

REVIEW COMMENTS: Staff requested a report from Mission PD in regards to the sale and on-site consumption of alcohol. Since this CUP was last seen, there have been no calls to PD from this location.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 3 years re-evaluation at which time the applicant will have to renew his CUP & TABC license;
- 2) Waiver of the 300' separation requirement from residential neighborhoods;
- 3) Must comply with all City and TABC code requirements;

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

Their being none

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

Started: 5:39 p.m.

Ended: 5:46 p.m.

Item #1.5

Conditional Use Permit

Renewal:

To keep a Portable Building – Car Sales Office Use

916 W. Expressway 83

Lot 1, Car-Mart Subdivision

C-3

Jesus Sanchez

Ms. De Luna went over the write-up stating that this site is located on the north side of U.S. Expressway 83 west of American Legion Post 93. This CUP was last approved on April 24, 2017 for a period of 3 years, with the understanding that at the end of the 3 years a permanent building would be required. The applicant is asking that the board considers renewing his permit one more time to keep the 12' x 44' portable building that is being used as a car sales office.

- **Hours of Operation:** Monday – Friday from 9 am to 7 pm, and Saturdays from 9am to 6 pm.
- **Staff:** 3
- **Parking & Landscaping:** The car lot has 33 parking spaces where 4 are required, thus exceeding code. With regards to landscaping green areas exceed code and when this CUP was first approved a total of 9 shade/ornamental trees were required along the Expressway Frontage. Those trees were installed.

REVIEW COMMENTS: This CUP has been in existence since 2013. While the use of portable buildings is allowed via a CUP, the intent is for use to be temporary and that there eventually be a transition into a permanent building. Staff is recommending approval of this CUP for a period of 6 months, after this tenure, he would need to secure a building permit for a permanent structure at this location.

RECOMMENDATION: Approval for 1 year, after this tenure, the applicant would need to apply for a building permit to construct a permanent structure at this location and continue to maintain the landscaping along the front area of the property.

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

There was none.

Chairwoman Izaguirre asked when did we request for him to build a permanent building?

Ms. De Luna mentioned that requested for him to build a permanent structure in April 24, 2017. She added that he's building a second office in McAllen, so he's requesting more time to finish that one to start this one.

Chairwoman Izaguirre mentioned this office looks really nice, I've seen some that are closer to Bryan Rd., that don't have permanent structures and I don't think we've asked for one.

Mrs. Debra Alvarez asked how many years do we give the applicants when they first apply for a Conditional Use Permit for a portable building.

Ms. De Luna stated 1-year and then we re-evaluate for 3-years which is max, ultimately what we want is for them to build a permanent structure.

Mr. Javier Barrera mentioned if he builds a permanent structure, that lot will only be for used for a car lot.

Ms. Susana De Luna stated the intent of the conditional use permit is temporary only, so what we do, is help them start their business, but eventually we want them to built something permanent.

Chairwoman Izaguirre asked in the second year if it changes owner, do they have to reapply for a Conditional Use Permit.

Ms. De Luna stated "yes" new applicant new permit.

Mr. Jasen Hardisen stated let's give him another year, so he can finish the one in McAllen and then build a permanent one at this location.

Mr. Javier Barrera mentioned or he can come back and ask for 1 more year.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:46 p.m.

Ended: 5:48 p.m.

Item #1.6

Conditional Use Permit

Renewal:

**Drive-Thru Service Window – Tortilleria Carmelita
600 N. Shary Road, Ste. F**

**Lot 1, Esdras Vega Subdivision
C-3
Carmen Rivera**

Ms. De Luna went over the write-up stating that this site is located at the NE corner of E. 6th Street and Shary Road. This CUP was last approved on April 10, 2017 for a period of 3 years. The applicant is seeking to renew this conditional use permit. Access to the site is off E. 6th Street, through an existing 24' driveway. Customers park within the shared parking area to walk in and purchase items, or they can use the drive-thru service window.

- **Days / Hours of operation:** Monday – Saturday from 7:00a.m. to 9:00p.m. and Sunday from 7:00a.m. to 7:00p.m.
- **Staff:** a total of 3 employees will man this operation
- **Parking:** There are a total of 58 parking spaces held in common for the plaza. In speaking to the applicant, close to 100% of her business is by take-out, thus staff parking has not been an issue at this location.
- **Landscaping:** The landscaping, paving, and drainage for the entire plaza meets code.
- **Menu:** Tortillas, sodas, milk, and other basic snacks will be the only items sold Monday through Friday. On Saturdays and Sundays, they will offer barbacoa and menudo (all items are to go).

REVIEW COMMENTS: Applicant will have to continue to comply with Health, Fire, Building, and Sign Codes.

RECOMMENDATION: Approval subject to:

1. 3-year re-evaluation.
2. CUP is not transferable to others.
3. Continued Compliance with Building, Fire, Health, and Sign Codes.

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

Carmen Rivera was available to answer any questions the board might have.

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

Started: 5:48 p.m.

Ended: 5:50 p.m.

Item #1.7

**Conditional Use Permit
Renewal:**

**Home Occupation – 2 Chair Beauty Salon
804 W. 24th Place
Lot 74, Chaparral Heights Subdivision
R-1
Hermelinda G. Salazar**

Ms. De Luna went over the write-up stating that this site is located at 150' west of Holland Road along the north side of 24th Place. This 2-chair salon has been in operation since 11-17-10. Mrs. Salazar has always complied with the "home occupation" regulations provided in sec. 1.56-1 of the Zoning Code. This CUP was previously approved on April 10, 2017 for a period of 3 years. Mrs. Salazar is seeking to renew her conditional use permit.

- **Days / Hours of operation:** Monday through Friday from 10:00 a.m. to 7:00 p.m., and Saturday from 10:00 a.m. to 5:00 p.m. (by appointment only)
- **Staff:** Mrs. Salazar is the only person running the salon.
- **Parking:** There are a total of 3 off-street parking spaces which considering Mrs. Salazar works alone and by appointment only, meets code.

Staff has never received any complaints regarding this CUP.

RECOMMENDATION: Approval subject to a 3-year re-evaluation.

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

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m.

Ended: 5:52 p.m.

Item #1.8

**Conditional Use Permit
Renewal:**

**Bryan Event Center and a Bed & Breakfast
1113 E. Mile 2 Road
Being a 1.01 acre tract of land out of Lot 29-10,
West Addition to Sharyland Subdivision
AO-I
Ariel King**

Ms. De Luna went over the write-up stating that this site is located at in the NW corner of Bryan Road and Mile 2 Road. This CUP was previously approved on May 22, 2017 for a period of 3 years. Mrs. King is seeking to renew her permit and would like to be considered for life of use.

The events center hosts smaller scale outdoor special events such as weddings, quinceañeras, anniversaries, etc. Mrs. King also offers tours of the property which is available for rental as a bed and breakfast. When this CUP was initially approved there was a concern on parking. However, because of the size of events at this location, parking has not been an issue.

- **Hours of operation:** will vary depending on when the property is rented but is available every day of the week.
- **Staff:** The applicant will be the only employee managing this location.
- **Parking:** There are a total of 19 on-site parking spaces through the site that will accommodate parking for a maximum of 57 guests. Code requires 1 parking space for every 3 guests thus 3 x 19 parking spaces = 57 total guests' maximum capacity.
- **Landscaping:** Exceeds code.

Staff notes that 2 letters were received from adjoining property owners and in one there is a concern regarding the outdoor amplified music. Staff requested a report from Mission PD in regards to noise. Since this CUP was last seen, there have been no calls to PD from this location.

RECOMMENDATION: Staff recommends approval for life of use.

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

There was none.

Chairwoman Izaguirre asked if its life of use, well it change if it changes ownership?

Ms. De Luna stated "yes" if it changes applicant, they would need to reapply.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 5:54 p.m.

Item #1.9

Site Plan Approval:

**Construction of 12 Apartments
1002 N. Glasscock Road
Lot 2, Callanan Subdivision**

**R-3
Abel Hernandez**

Ms. De Luna went over the write-up stating that this site is located at NE corner of Glasscock Road and Business Highway 83. Site Plan approval is required prior to permit issuance for multi-unit complexes of five or more.

In Reviewing the site plan, there is a combination of 3 and 3-bedroom single story buildings that make up the 12-unit multi-family apartment complex. The applicant is proposing 6 two-bedroom units that each has approximately 910 sq. ft. of living area and 6 three-bedroom units with 1,188 sq. ft. of living area each. The building must comply with all fire code requirements for a multi-family complex.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 10' on the north side & 15' on the south side setbacks. It is noted that all setbacks are in compliance.

The primary access will be to Glasscock Road. With regards to parking, the site plan shows 24 parking spaces. A large commercial size dumpster is proposed near the SW corner of the property. Staff will work with our City Sanitation Department to ensure that the proposed dumpster locations are adequate for a front-loading trash truck. The dumpsters must also be screened with cedar or block fence with gates.

This development will have 5' sidewalks along Glasscock and with the interior perimeters. Ten percent landscaping will be required with a combination of trees, plants, and shrubs. Parking light poles are required after every 10 parking spaces in all parking areas within islands or peninsulas.

The Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. (6) two-bedroom units X \$120/Unit = \$720, and (6) three-bedroom units X \$140/Unit = \$840.00. The park fees are \$500/Unit X 12 Units = \$6,000.

RECOMMENDATION: Staff recommends approval subject to:

- 1) the submittal of grading and detention plan to our City Engineer;
- 2) compliance with landscaping and parking light pole requirements;
- 3) compliance with all building and fire codes;
- 4) compliance with front loading requirements of trash dumpsters; and
- 5) payment of capital sewer and park fees.

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

There was none.

Chairwoman Izaguirre asked where will the dumpsters be located at?

Ms. De Luna replied it would on the south side.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:57 p.m.

Ended: 5:59 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

**Crown Pointe Phase Oak Forest Subdivision
Being 2.00 acres out of the North 10 acres
Of the south 20 acres of Lot 183,
John H. Shary Subdivision
R-1T
Developer: Black Diamond Developers, LLC
Engineer: M. Garcia Engineering, LLC**

Ms. De Luna went over the write-up stating that this is the 8th Phase of the Crown Point Subdivision located approximately 1/3 of a mile North of Business Highway 83 along the East side of Stewart Road. The developer is proposing 14 Large Lot Single Family Residential lots.

WATER

When utilities for Crown Point Phase VII was constructed, an 8" looped water line was installed for this future phase. One fire hydrant was installed in this phase of the development pursuant to the direction of the Fire Marshal.

SEWER

In regards to sewer, the developer extended an 8" sewer network along the north side of Madison Hope Lane then extending east and then north to the final Phase of Crown Point. On the south side of Lila Beth Lane, they are extending east to the final Phase of Crown Point —see utility plan. The Capital Sewer Recovery Fee 14 residential lots X \$200.00/Lot= \$2,800.00

STREETS & STORM DRAINAGE

The developer extended Madison Hope Lane to the east and then to the north for the future phase of Crown Point. This extension is 50' ROW, 37 B-B Streets. As for the storm drainage, the runoff flows west draining into existing Type "A" inlets, which will drain into an existing 24" to 48" storm

lines. These lines are part of a drainage system that flows north along Stewart Road and ultimately draining into the Mission Lateral.

OTHER COMMENTS

- Dedication of water rights
- Park Fees in the amount of \$500 per lot x 14 = \$7,000
- Must provide a street light plan for review by Staff.
- Must escrow \$450 for street signs (2 x \$225 = \$450)

RECOMMENDATION

Staff recommends approval subject to:

1. Must pay capital sewer recovery, park fees, and street signs.
2. Dedication of water rights.
3. Compliance with the Model Subdivision Rules.
4. Must comply with City’s street alignment policy.

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

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff’s recommendation. Mr. Ruben Aracute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:59 p.m.

Ended: 6:03 p.m.

Item #3.0

Preliminary & Final

Plat Approval:

Rio Plata Subdivision

Being a Resubdivision of 25.259 acres of land

Out of the South end of Porcion 52

PUD

Developer: Rhodes Enterprises, Inc.

Engineer: Melden & Hunt, Inc.

Ms. De Luna went over the write-up stating this subdivision is located near the NW corner of South Inspiration Road and Mile 1 South along the north side of Mile 1 South. The developer is proposing 132 Single Family Residential lots.

VARIANCE

To have lots with widths ranging from 20 feet to 45 feet where 50 feet are required on this Master PUD. It is noted that most of the lots are irregular and the total square feet of most of these lots is greater than most lots in the neighboring Del Oro Subdivisions where lots are 50’ x 100’ or 5,000 sq. ft.

WATER

Tap to existing 10" water line along Mile 1 South Road; take that 8" water line north along the interior streets and connect on to existing 8" water line on Del Oro Drive looping the system. Fire hydrants are shown pursuant to the direction of the Fire Marshal.

SEWER

In regards to sewer, the developer is proposing to extend an 8" sewer network along Del Oro Drive and extend South through the proposed interior streets that would service all lots – see utility plan. The Capital Sewer Recovery Fee 132 residential lots X \$200.00/Lot= \$26,400.00

STREETS & STORM DRAINAGE

The developer is proposing to extend Del Oro Drive and propose a new series of external streets going south with an outlet to Mile 1 South. This will be 50' ROW, 32' B-B Streets. As for the storm drainage, the developer is proposing to install 16 curb inlets and install a combination of 36", 30", and 24" R.C.P. lines through the development that will flow into an existing drain ditch adjacent to north side of this property. Said existing drain ditch discharges into Perezville drain ditch with an ultimate outfall into the Mission Pilot Channel.

OTHER COMMENTS

- Dedication of water rights
- No park fees; M.L. Rhodes' dedication of park land still satisfies the Park Dedication Ord.
- Must provide a street light plan for review by Staff.
- 5' sidewalks along Mile 1 South Road
- Street Signs: 8 signs x \$225 each = \$ 1,800

RECOMMENDATION

Staff recommends approval subject to:

1. Must pay capital sewer recovery and street sign fees.
2. Dedication of water rights.
3. Compliance with the Model Subdivision

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

Mr. Fred Kurth and Mr. Mike Rhodes were available to answer any questions the board might have.

Chairwoman Izaguirre asked do all the lots meet the 5,000 sq ft.

Mr. Rhodes mentioned all the roads are curved, so to have curvy roads you need to have pie shaped lots, but all the lots meet the requirements.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Javier Barrera moved to approve the request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0
OTHER BUSINESS**

**ITEM #5.0
ADJOURMENT**

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 6:04 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission