

**PLANNING AND ZONING COMMISSION
MARCH 23, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Hector Moreno
Debra Alvarez
Jasen Hardison
Raquenel Austin
Connie Garza
Javier Barrera
Ruben Arcaute

P&Z ABSENT

STAFF PRESENT

Susana De Luna
Alex Hernandez
Cynthia Gonzalez
Abel Bocanegra
JP Terrazas
Gabriel Ramirez

GUESTS PRESENT

Dolores Ueckert
William Ueukert
Norma Perez
Zeneth Perez
Reynaldo Hernandez Jr.
Gwen Phillips
Esteban Phillips
Keith Mora
Edgar Sandoval
Gene Vaughan
JC

CALL TO ORDER

Chairwoman 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 MARCH 9, 2022

Chairwoman Izaguirre asked if there were any corrections to the minutes for March 9, 2022. Mr. Hardison moved to approve the minutes as presented. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 6:16 p.m.

Item #1.1

Rezoning:	Tract 1:	A 1.00 acre tract of land, more or less, out of Lot 236, John H. Shary Subdivision &
	Tract 2:	A 9.00 acre tract of land, more or less, out of Lot 236, John H. Shary Subdivision AO-I to R-3 J.R.J. Investments Holdings, LLC

Ms. De Luna went over the write-up stating the subject site is located ¼ mile South of E. Griffin Parkway (F.M. 495) along the West side of Taylor Road.

SURROUNDING ZONES:

N:	R-3	– Multi-Family Residential
E:	R-1	– City of McAllen (AO-I/R-1)

W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES:
N: Taylor Senior Village
E: City of McAllen (AO-I/R-1)
W: Residential
S: Residential
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Although the FLUM designation at this time is LD, staff notes that it serves as a guide for development only. On March 14, 2016 City Council approved an R-3 zone for a senior's only, private and gated R-3 development to the north of proposed site. Staff notes that the FLUM can be amended to reflect the R-3 use. It is noted that although our recommendation is for approval, P&Z can make its own recommendation to the City Council considering comments in favor or against the request

RECOMMENDATION: Approval

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

Mrs. Dolores Ueukert who resides at 2601 E. 20th Street stated she was against the request. Her main concerns were traffic increase and that the future land use map shows the property for single family residential.

Mrs. Gene Vaughan who resides at 2607 E. 27th Street stated he was against the request. His main concerns were increase in traffic and noise.

Mrs. Zeneth Perez who resides at 2603 E. 20th Street stated she was against the request. Her main concerns were schools being crowded and the increase in traffic.

Mr. Billy Ueukert who resides at 2601 E. 20th Street asked if the properties on the east side of the site were notified.

Ms. De Luna stated that only the properties inside city limits received a notice. She added that notices were sent to properties within 200' radius.

Mr. Billy Ueukert stated the rezoning sign was 24in. x 24in. and with the wind the sign was not seen from the street.

Mr. Eric Ramirez who resides at 2707 E. 20th Street stated he was against the request. His main concerns were infrastructure, traffic increase, buses, safety, and teenagers with no experience driving in and out of the subdivisions.

Mr. Esteban Phillips who resides at 2803 E. 20th Street stated he was against the request. His main concerns were the decrease in property value and increase in traffic. He added Taylor Road was not ready for an apartment complex.

Mr. Milo Salinas, the project engineer stated that the designer Daniela, the owner of the property and himself were present to answer any questions.

Mr. Salinas stated that Taylor Road was in the design process to be expanded to four lanes which would help with the traffic problems. He added they were going to provide 20' of the right-of-way for the expansion of Taylor Road. He mentioned 22nd Street would expand as well.

Mr. Salinas stated the development would have two entrances. He added they were planning to add landscaping to help with privacy. He added the detention pond would be on the west side similar to Taylor Senior Village.

Mr. James Casanova an owner of the project stated the concerns of the citizens are caused by the city's infrastructure. He added they were going to pay a part for the construction of Taylor road.

Mr. Casanova stated if the multi-family was not approved they would built close to 100 homes on that property. He added his project would bring more revenue to the city. He mentioned this project was going to be a private complex.

Chairwoman Izaguirre asked the board if they had questions.

Chairwoman Izaguirre asked if they would be required a buffer fence.

Ms. De Luna stated a buffer fence would be required along the residential side.

Chairwoman Izaguirre asked if it would be a masonry wall.

Ms. De Luna stated there was no specification to the material.

Chairwoman Izaguirre asked if that was an easement on the west side of the property.

Mr. Salinas stated it was a united irrigation easement.

Chairwoman Izaguirre asked how wide was the easement.

Mr. Salinas stated it was about 50'.

Mr. Barrera asked if 22nd Street would be extended.

Mrs. De Luna stated that whoever develops that land will have to extend 22nd Street to connect with Taylor Road whether its for apartments or homes.

Chairwoman Izaguirre asked if an easement has been provided on the north side.

Ms. De Luna stated it has been dedicated as a 30' Right of Way.

Mrs. Norma Perez who resides at 2603 E. 20th Street stated she was opposed to the request because of the traffic flow. She stated that the extension of 22nd Street was not going to help with traffic. She added that a street light would not help vehicles get through. She added another concern was school being over populated.

Chairwoman Izaguirre clarified that its not an idea it's a requirement for them to extend 22nd Street.

Mr. Arcaute asked if Taylor Road was Mission's responsibility.

Ms. De Luna stated it was in the process. They should start from business 83 to the expressway this year and from business 83 to 495 should start at the beginning of next year.

Mr. Abel Bocanegra the City Engineer clarified that Taylor Road is on the process to be designed. He added the first face should be starting this summer which is from the Expressway to Business 83 and the second phase should be for next year from Business 83 to 495.

Mr. Bocanegra stated that this project is in conjunction with the City of McAllen along with TX Dot. He added that the extension of 22nd Street is a requirement for the development.

Chairwoman Izaguirre asked when the project would be up for bids.

Mr. Bocanegra stated Phase 1 would be up for bids in the Summer of this year and Phase 2 would be up next summer.

Mrs. Alvarez asked why not start from the north to the south since there is so much traffic.

Mr. Bocanegra stated both entities agreed to start from the Expressway.

Mrs. Gwendolyn Phillips who resides at 2803 E. 20th Street asked Mr. Bocanegra that with the widening of Taylor and the extension of 22nd street would there be any Street lights.

Chairwoman Izaguirre stated Mr. Bocanegra had mentioned 4 lanes with a turning lane.

Mrs. Phillips asked if there would be a stop sign at the extension of 22nd street.

Mr. Bocanegra stated they would have to conduct a traffic study to see what would be necessary in the area.

Mrs. Alvarez asked where the turning lane would be placed.

Chairwoman Izaguirre stated they did the analysis for Taylor Road.

Mrs. Phillips stated Taylor Road turns into a race track at night and asked for elaboration on the buffer fence.

Chairwoman Izaguirre stated it was a requirement for the development to have a buffer fence.

Mrs. Phillips asked how far away they would put the fence.

Chairwoman Izaguirre stated the fence would be on the property line.

Mrs. Daniela the designer of the project stated the fence would be on the property line then 6ft of landscaping to help with privacy, then 18ft of parking, 4ft of sidewalk.

Chairwoman Izaguirre stated it would be about 70-80 feet between the building and the property line.

Mrs. Phillips asked how many feet before the vehicles.

Ms. Daniela stated it would be 6 feet with landscaping.

Mr. Hardison stated his main concern was the Future Land Use Map. He added that the area was zoned for low density.

Chairwoman Izaguirre added the engineer should have met with residents around the area to clarify concerns.

Chairwoman Izaguirre asked if the citizens would be willing to meet with the owner of the property and the developer to address the concerns.

Mr. Ueukert stated they had been trying to get ahold of the engineer and they had no luck. He added a main concern he had was water pressure.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to deny the request as per staff recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:16 p.m.

Ended: 6:17 p.m.

Item #1.2

Rezoning:

**A tract of land containing 0.888 of one acre,
being a part or portion out of Lot 32,
Bell-Woods Company's Subdivision "C"
AO-I to C-3
Daniel Michael McClain**

Ms. De Luna went over the write-up stating the subject site is located 1,424' North of W. Mile 2 Road along the West side of N. Conway Avenue.

SURROUNDING ZONES:

N:	AO-I	– Agricultural Open Interim
E:	C-3 & AO-I	– General Commercial & Agricultural Open Interim
W:	AO-I	– Agricultural Open Interim
S:	AO-I	– Agricultural Open Interim

EXISTING LAND USES:

N:	Commercial / Warehouse
E:	Commercial / Car Lot Sales
W:	Commercial / La Muñequita Ranch
S:	Vacant
Site:	House

FLUM:

General Commercial (GC)

REVIEW COMMENTS: The proposed zone comply with the City's Future Land Use Map and surrounding land uses.

RECOMMENDATION: Approval.

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

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

Started: 6:17 p.m.

Ended: 6:18 p.m.

Item #1.3

Rezoning:

**A 3.780 acre tract of land being
out of the remaining South 5.00 acres
of Lot 32, Bell-Woods "C" Subdivision
AO-I to C-3
Haidar Properties, LLC**

Ms. De Luna went over the write-up stating the subject site is located 1,270' North of W. Mile 2 Road along the West side of N. Conway Avenue.

SURROUNDING ZONES:

N:	C-3	– General Commercial
E:	C-3 & AO-I	– General Commercial & Agricultural Open Interim
W:	AO-I	– Agricultural Open Interim
S:	AO-I	– Agricultural Open Interim

EXISTING LAND USES:

N:	Commercial / Warehouse
E:	Commercial / Car Lot Sales
W:	Commercial / La Muñequita Ranch
S:	Vacant
Site:	House

FLUM:

General Commercial (GC)

REVIEW COMMENTS: The proposed zone does comply with the City's Future Land Use Map and surrounding land uses.

RECOMMENDATION: Approval.

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to approve the request as per staff recommendation. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:18 p.m.

Ended: 6:19 p.m.

Item #1.4

**Conditional Use Permit
Renewal:**

**Drive-Thru Service Window -
Bar-B-Cutie Smokehouse
2211 E. Griffin Parkway, Suite 100
Elizondo 495 Plaza Subdivision
C-3
Orlando Ochoa**

Ms. De Luna went over the write-up stating the subject site is located 300' west of Citrus along the north side of Griffin Parkway (F.M. 495). The last conditional use permit for the drive-thru service window was approved by P&Z on February 26, 2020 for the period of 2 years. The tenant would like to renew his CUP for the drive-thru service window. Access to the site is from a 35' driveway from Griffin Parkway. The restaurant is located at the west end of the existing commercial plaza.

- **Hours of Operation:** Monday - Sunday from 11 AM to 9 PM
- **Staff:** 16 Employees in total (2 shifts)
- **Parking:** There are 139 parking spaces held in common at this location and exceeds the City's requirements for a commercial development of this size.
- **Landscaping:** has been provided as a part of the overall commercial plaza.

REVIEW COMMENTS: The BBQ restaurant service window allows for 3 vehicles to be easily stacked. There have been no complaints regarding the drive-thru service window. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request.

RECOMMENDATION: Staff recommends approval for life of Use; subject to the CUP not being transferable to others.

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

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

Started: 6:20 p.m.

Ended: 6:21 p.m.

Item #1.5

Conditional Use Permit

Renewal:

Sale & On-Site Consumption of Alcoholic

Beverages - Bar-B-Cutie Smokehouse

2211 E. Griffin Parkway, Suite 100

Elizondo 495 Plaza Subdivision

C-3

Orlando Ochoa

Ms. De Luna went over the write-up stating the subject site is located 300' west of Citrus along the north side of Griffin Parkway (F.M. 495). The last conditional use permit for the sale and on-site consumption of alcoholic beverages was approved by P&Z on February 26, 2020 for the period of 2 years. The tenant would like to renew his CUP for the sale and on-site consumption of alcoholic beverages. Access to the site is from a 35' driveway from Griffin Parkway. The restaurant is located at the west end of the existing commercial plaza.

- **Hours of Operation:** Monday - Sunday from 11 AM to 9 PM
- **Staff:** 16 Employees in total (2 shifts)
- **Parking:** There are 139 parking spaces held in common and exceeds the City's requirements for a commercial development of this size.
- **Landscaping:** has been provided as a part of the overall commercial plaza.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are some residences within the radius; thus, a waiver of the separation requirement needs consideration.
- Must continue to comply with Fire and Health Codes.

REVIEW COMMENTS: This proposed CUP is for a family-oriented restaurant. There is no bar component. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request. The Police Department has no reports for this business.

RECOMMENDATION: Staff recommends approval subject to a waiver of the 300's separation requirement from the residential neighborhood and that the CUP be approved for 2 years at which time the applicant will have to renew their TABC license and Conditional Use Permit.

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the request as per staff recommendation. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:21 p.m.

Ended: 6:29 p.m.

Item #1.6

Conditional Use Permit:

To keep a Portable Building for Office Use

**1519 E. Expressway 83
Lot 4, Henry Saenz Subdivision
C-4
AMPM Roadside & Recovery**

Ms. De Luna went over the write-up stating the subject site is located 600' west of Stewart Road along the north side of the Expressway 83 Frontage Road. The last CUP for a Portable Building for this location was approved by the P&Z on January 13, 2021 for a period of 1 year. The applicant would like to renew the conditional use permit to keep the 14' x 72' portable building to be used as an office. The portable building is located 103' from the property line which allows for the front area to be utilized for storage. The applicant proposed to store and repair vehicles. Access to the site is off of the Frontage Road and shared with an existing business to the west.

- **Hours of Operation:** Monday – Friday from 8 a.m. to 5 p.m.
- **Staff:** 3 employees

Section 1.57(3) Zoning Code – states that exterior service and/or storage site shall be buffered by the owner or operator prior to the city permitting occupancy of the structure.

REVIEW COMMENTS: There are other portable buildings installed in this area and it is not uncommon to have a portable used as an office. Staff has not received any comments for or against the portable building. While the use of portable buildings is allowed via a CUP, the intent is for the use to be temporary and eventually transition into a permanent building.

RECOMMENDATION: Staff recommends approval subject to:

1. 3 year re-evaluation to assess this operation; at the end of the 3 year tenure the portable building must be replaced with a permanent structure;
2. Compliance with Building, Fire, Landscaping, and Sign Codes;
3. CUP not transferable to others;

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

There was none

Chairwoman Izaguirre asked the board if they had questions.

Mr. Barrera stated that area needs to be improved especially with the new developments coming in to the area. He added the portable buildings should be temporary.

Ms. De Luna stated they have contacted the business owner but the business owner stated the property owner does not give permission for a permanent structure.

Mrs. Austin asked if this was his second or third year.

Ms. De Luna stated this would be his first renewal so it would be his second year.

Mr. Keith Mora the owner of the business stated he understood the concerns but the owner of the property did not want to put a permanent structure.

Mrs. Alvarez asked if there could be a change of where a commercial must have a permanent building.

Ms. De Luna stated we would have to contact the legal department.

Mrs. Garza stated he would have a year to look for another property if the property owner would not want to build a permanent structure.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the request for 1-year. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre abstained from the next item.

Chairwoman Izaguirre left the meeting.

Started: 6:29 p.m.

Ended: 6:31 p.m.

Item #2.0

**Preliminary & Final
Plat Approval:**

**Eduardo's Subdivision No. 16 Phase II
A 3.19 acre tract out of the south 5.00 acres,
of the South 10 acres of Lot 35-4,
West Addition to Sharyland
Suburban ETJ
Developer: Ingrid Astrid Izaguirre
Engineer: Izaguirre Engineering Group, LLC**

Mrs. De Luna went over the write-up stating the proposed subdivision is located along the west side of Trosper Road approximately ½ mile north of Mile 3 Road. The developer is proposing 14 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 8" line located along the north side of Flor Dr. to provide water service to each lot.

Existing fire hydrants are considered available therefore no further requirements are needed.

SEWER

An existing internal 8" sewer line system will provide sewer service to all the lots. The Capital Sewer Recovery Fee is required at \$200.00/Lot which equates to \$2,800.00 (\$200.00 x 14 lots).

STREETS & STORM DRAINAGE

The existing internal street is a 32' Back-to-Back within a 50' Right of Way. Access is from Trosper Road. The proposed drainage shall consist of surface runoff in green areas with excess drainage to be graded towards the streets directing the runoff into existing Type "A" inlets. The storm system consists of 18" to 30" RCP that ultimately discharges into the La Vista Drain ditch located along the westernmost area of the subdivision. The City Engineer has reviewed and approved the drainage report.

OTHER COMMENTS

Existing street lighting to be retained
Must Comply with all other format findings

RECOMMENDATION

Staff recommends approval subject to:

1. Payment of Capital Sewer Recovery Fee's
2. Comply with all other format findings.

Vice Chairman Barrera asked if there was any input in favor or against the request.

There was none

Vice Chairman Barrera asked the board if they had questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to approve the request as per staff recommendation. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #3.0

ADJOURMENT

There being no further items for discussion, Vice Chairman Barrera entertained a motion. Mr. Arcaute moved to adjourn the meeting. Mrs. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:31 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission