

**PLANNING AND ZONING COMMISSION
MAY 25, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

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

P&Z ABSENT

STAFF PRESENT

Susana De Luna
Alex Hernandez
Jessica Muñoz
Cynthia Gonzalez
Abel Bocanegra
Gabriel Ramirez
Edgar Gonzalez

GUESTS PRESENT

Kelley Heller-Vela
Gerardo Garcia
Felipe Cavazos
Dolly Elizondo
Julian Arellano
Magali Arellano

CALL TO ORDER

Vice Chairman Barrera called the meeting to order at 5:37 p.m.

CITIZENS PARTICIPATION

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

There was none

APPROVAL OF MINUTES FOR MAY 11, 2022

Vice Chairman Barrera asked if there were any corrections to the minutes for May 11, 2022. Mr. Hardison moved to approve the minutes as presented. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:38 p.m.

Ended: 5:41 p.m.

Item #1.1

Rezoning:	Tract 1:	12.466 acres out of Lots 19-3 & 20-3, West Addition to Sharyland AO-I, R-3 & I-1 to P
	Tract 2:	0.331 of one acre out of Lot 20-3, West Addition to Sharyland AO-I to C-1
	Tract 3:	0.758 of one acre out of Lot 20-3, West Addition to Sharyland AO-I to R-1 Mission Real Properties, Inc.

Ms. De Luna went over the write-up stating the subject site was located on the Northeast corner of Business Highway 83 and Los Ebanos Road along the east side of Los Ebanos Road.

SURROUNDING ZONES: N: C-3 – General Business

E: R-3 – Multi-Family Residential
W: C-3 & R-1 – General Commercial/Single-Family
S: AO-I/R-3/R-4– Agricultural Open Interim/Multi-Family
Family & Mobile & Modular Home

EXISTING LAND USES:

N: Vacant
E: Vacant/Residential
W: Commercial, Residential/Split Rail RV Park
S: Vacant
Site: Formerly Mission Paving/Residential

FLUM:

General Commercial (GC) & Industrial (I)

REVIEW COMMENTS: Tract #1: On August 13, 2012, City Council created a new Zone which required all public facilities such as City, County, Federal Buildings, Churches, and Schools to fall within this zone. Mission Real Properties is proposing to convert the existing Mission Paving facilities into a School, thus the need to change the zone from AO-I, R-3, and I-1 to P would be required.

Tract #2: The proposed zone does comply with the City's Future Land Use Map, and surrounding land uses. Also, C-1 is the most restrictive of the commercial zones.

Tract #3: The proposed zone does not comply with the City's Future Land Use Map, nor surrounding land uses. However, it is a lesser dense than the current zone and it is a component to the school since the existing homes will be used to house the teachers.

RECOMMENDATION: Staff recommends Approval for Tracts 1, 2 & 3.

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

Mrs. Kelley Heller-Vela was present to answer any questions.

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 P, C-1, & R-1 zone. Mr. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:43 p.m.

Item #1.2

Rezoning:

**A .622 acre tract of land out of Lot 51,
Sharyland Orchards Subdivision
C-4 to R-3
Mission Food Factory, LLC.**

Ms. De Luna went over the write-up stating the subject site is located 277' south of Business Highway 83 along the east side of Ragland Road.

SURROUNDING ZONES:

N: C-4 – Heavy Commercial
E: C-4 – Heavy Commercial

W: R-3 – Multi-Family Residential
S: R-3 –Multi-Family Residential

EXISTING LAND USES:
N: Commercial
E: Commercial
W: Apartments
S: Vacant
Site: Vacant

FLUM: General Commercial (GC)

REVIEW COMMENTS: Staff notes that the proposed zone does not comply with the City's Future Land Use Map, however R-3 appears to be an expected stair-step transition of land uses. A multi-family residential setting is not un-common to have as an adjoining neighbor to commercial areas. The R-3 property to the south of the subject site was rezoned on October 24, 2005.

RECOMMENDATION: Staff recommends Approval.

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

Vice Chairman Barrera asked the board if they had questions.

There being no discussion, Vice Chairman Barrera entertained a motion. Mr. Hardion moved to approve the R-3. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:45 p.m.

Item #1.3

Rezoning: A 0.94 of an acre of land, being the south 170'
of the east 240' of Lot 296, John H. Shary Subdivision
AO-I to C-1
Business 83, LLC (c/o Dolly L. Elizondo)

Ms. De Luna went over the write-up stating the subject site is located on the Northwest corner of Taylor Road and Mile 2 Road.

SURROUNDING ZONES:
N: AO-I – Agricultural Open Interim
E: – City of McAllen
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES:
N: Acreage
E: City of McAllen (Commercial)
W: Residential
S: Residential
Site: Residential

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: Though the area is proposed as an LDA area, please remember that the Future Land Use Map is used primarily as a general guide. Staff is aware that the property abuts a residentially used property on the west, and south side. However, we believe the C-1 is the most restrictive of the commercial zones. Typically, C-1 uses are silent neighbors for much of the time they operate between 8a.m. to 6p.m. with no activity during the evening hours. No auto body shops, No convenience stores, etc. are allowed within this zone.

RECOMMENDATION: Staff recommends Approval.

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

Chairwoman Izaguirre asked the board if they had questions.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the C-1. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:45 p.m.

Ended: 5:47 p.m.

Item #1.4

**Conditional Use Permit
Renewal:**

**Drive-Thru Service Window
- La Herradura Taqueria
2310 E. Expressway 83, Ste. 8
Lot 3, Cimarron Crossing Ph. 2
C-3
Gerardo Garcia**

Ms. De Luna went over the write-up stating the subject site is located approximately 250' west of Shary Road on the south side of U.S. Expressway 83. The applicant proposes to open a Taqueria at the above location and would like to utilize the existing drive-thru service window. The most recent business in operation at this location was Taqueria El Infiernito. The permit was approved for life of use by P&Z on March 9, 2016. Since the use was not transferable to others, therefore the need for a conditional use permit. Access to the site is provided via a common access drive that runs throughout the commercial plaza. Access to the drive-thru service window is from the south 'rear' of the plaza and allows stacking for approximately 3 vehicles.

- **Hours of Operation:** Sunday – Wednesday from 11:00 a.m. to 2:30 a.m. and Thursday – Saturday from 11:00 a.m. to 3:30a.m.
- **Staff:** 5 employees
- **Parking & Landscaping:** In reviewing the floor plan, the 1,380 sq.ft. building will have a total of 24 seating spaces for the restaurant. A total of 18 spaces are required for this site (1,380sq.ft./75 sq.ft.=18.4 parking spaces). It is noted that a total of 66 parking spaces are held in common within the commercial plaza. Landscaping has been provided as a part of the overall commercial plaza.
- Must comply with all Building, Fire, and Health codes, prior to obtaining a business license.

REVIEW COMMENTS: Since this site has been previously used for a restaurant with the use of a drive-thru, Staff does not object to a new applicant re-opening the site for a new similar restaurant.

RECOMMENDATION: Staff recommends approval subject to:

1. 1yr. approval in order to assess this new operation;
2. Must comply with all Building, Fire, and Health Codes
3. Must acquire a business license.
4. 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.

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

Started: 5:47 p.m.

Ended: 5:50 p.m.

Item #1.5

**Conditional Use Permit
Renewal:**

**Sale & On-Site Consumption of Alcoholic
Beverages – Han’s Katsuya Restaurant
600 N. Shary Road, Suite D
Lots 1, Esdras Vega Subdivision
C-3
The Bab, LLC**

Ms. De Luna went over the write-up stating the 1,488 sq.ft. restaurant is located at the Northeast corner of Shary Road and 6th Street. The applicant has been running a Japanese Restaurant at this location since May of 2018. The last conditional use permit for the sale and on-site consumption of alcoholic beverages at this location was approved by P&Z on May 13, 2020 for a period of 2 years. The applicant would like to renew his CUP. Access to the site is off of E. 6th Street, through an existing 24’ driveway.

- **Hours of Operation:** Monday – Friday 11:00a.m. to 2:00p.m. & 5:30p.m. to 9p.m.
Saturday 12p.m. to 3p.m. & 5:30p.m. to 9p.m.
- **Staff:** 5 employees
- **Parking:** It is noted that the parking area is held in common (56 existing parking spaces) and will be shared with other businesses.
- **Sale of Alcohol (Section 1.56-3):** (3a) of the Zoning code requires such uses to be at least 300’ from the nearest residence, church, school or publicly owned property. There is a residence within the 300’ radius, however P&Z and City Council have waived this separation requirement in the CUP’s previous approval.

REVIEW COMMENTS: Since the business will not be open after 10 p.m., and the sale of alcohol is not the primary item of purchase, staff does not object to the renewal. A total of 20 notices

were mailed out to property owners within 200' radius and as of this writing staff has not received any calls in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to: 1) CUP to valid for a period of 4 years at which time the applicant will need to renew his CUP and TABC License, 2) Waiver of the 300' separation requirement from the residential neighborhoods; and 3) Continue complying with Building, Landscaping, Fire, Sign, and Health Codes

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. Mr. Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m.

Ended: 5:52 p.m.

Item #2.0

Request by Julian & Magali Arellano to have P&Z waive 6-month waiting period in order to reconsider the conditional use permit for the construction of a Drive-Thru Service Window at 722 E. 8th Street, being Lots 11 & 12 & 20' strip adj. to Lots, Block 113, Mission Original Townsite

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. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #3.0

ADJOURNMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to adjourn the meeting. Mr. Arcaute seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:52 p.m.



Diana Izaguirre, Chairwoman
Planning and Zoning Commission