

**PLANNING AND ZONING COMMISSION  
NOVEMBER 20, 2023  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Raquenel Austin  
Diana Izaguirre  
Connie Garza  
Kevin Sanchez  
J.D Villarreal  
Jasen Hardison  
Steven Alaniz

**P&Z ABSENT**

Ruben Arcaute

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Alex Hernandez  
Victor Flores

**GUEST PRESENT**

Juan Espinoza  
Ana Lara  
Oralia Gonzalez  
Abram Zavala  
Virgil Gonzalez  
Juan Zuniga  
Felipe Cavazos  
Jacob Espinoza  
Viridiana Duarte

**CALL TO ORDER**

Chairwoman Izaguirre called the meeting to order at 5:31 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR NOVEMBER 8, 2023**

Chairwoman Izaguirre asked if there were any corrections to the minutes for November 8, 2023. Mr. Sanchez moved to approve the minutes. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:33 p.m.**

**Ended: 5:39 p.m.**

**Item #1.1**

**Rezoning:**

A 0.2066 acre tract of land, more or less, out of Lot 192, John H. Shary Subdivision, of Porciones 58, 59, & 60 (aka Lot 3, Glasscock Acres U/R)  
R-1 to R-2  
Jacob Lee Espinoza

Ms. De Luna went over the write-up stating the subject site is located 100 feet North of E. 4<sup>th</sup> Street along the West side of N. Glasscock Road.

**SURROUNDING ZONES:**

N:	R-1	– Single Family Residential
E:	R-1	– Mobile & Modular Home
W:	R-4	– Single Family Residential
S:	R-1	– Single Family Residential

**EXISTING LAND USES:**

N:	Single Family Residential
E:	Single Family Residential

W: Valley View Estates Mobile Home Park  
S: Single Family Residential  
Site: Vacant

**FLUM:** Low Density Residential (LD)

**REVIEW COMMENTS:** The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses.

**RECOMMENDATION:** Staff is recommending Denial.

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

Mr. Juan Zuniga was present and representing his mother he stated that he was against this request. He added that this was a residential area only and was limited to drainage, and fire protection.

Ms. Viridiana Duarte was present and against this request. She added that this area was residential only and building apartments would cause more trash to the area.

Mrs. Oralia Gonzalez was present. She stated that she was against this request.

Mr. Juan Espinoza was present. He stated that his proposed address was 405 Glasscock. He mentioned that he wants to build apartments. He stated that if there was a compliance issue he was willing to comply. He added that it was going to be something professional and add value to the community.

Mr. Jacob Espinoza was present. He stated that he agreed with Mr. Espinoza.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Garza moved to close the public hearing. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Kevin Sanchez asked that if staff received a phone call against this request.

Ms. De Luna stated "yes".

Mrs. Raquenel Austin asked how many apartments?

Ms. De Luna stated that we haven't disclosed that information. She added that two to four apartments can be built.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to deny the rezoning as per staff's recommendation. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

**Started:** 5:39 p.m.

**Ended:** 5:40 p.m.

**Item #1.2**

**Rezoning:**

Being a 2.0 gross acre tract of land,  
more or less, carved out of a part of  
Lots 4 & 5, J.E. Leslie Subdivision  
C-3 to R-1T

Olbein J. Ramos Jr.

Ms. De Luna went over the write-up stating the subject site is located 100 feet North of E. 4<sup>th</sup> Street along the West side of N. Glasscock Road – see vicinity map.

**SURROUNDING ZONES:**

N:	R-3	– Multi-Family Residential
E:		– City of McAllen
W:	R-4	– Mobile & Modular Home
S:	R-4	– Mobile & Modular Home

**EXISTING LAND USES:**

N:	Apartments
E:	City of McAllen
W:	Mobile Home Park
S:	Mobile Home Park
Site:	Vacant

**FLUM:** High Density Residential (HD)

**REVIEW COMMENTS:** The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses.

**RECOMMENDATION:** Staff is recommending Approval.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardisen moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

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

**Started:** 5:40 p.m.

**Ended:** 5:42 p.m.

**Item #1.3**

**Conditional Use Permit:**

Mobile Food Truck – Rincon Tapatio  
2509 Colorado Street, Ste. 208  
Lot 1, Block 2, Santa Lucia Development  
C-3  
Rincon Tapatio, LLC  
c/o Crystal A. Zavala

Ms. De Luna went over the write-up stating the subject site is located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street. The applicant is leasing a space on the recently approved Mobile Food Park and would like to place her mobile food truck to offer a variety of tortas, tostadas, hamburgers, hotdogs and more. Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Monday – Sunday from 8:00 am to 12:00 am
- **Employees:** 4
- **Parking & Landscaping:** The Mobile Food Park measures 134' x 72' for a total of 9,648 sq. ft. Based on the square footage they are required 23 parking spaces. The landlord has a total of 67 parking spaces available for this area and has submitted a written agreement to use the parking spaces from the commercial plaza if needed.
- **Other Requirements:** Must comply with all Building, Fire and Health Codes.

**REVIEW COMMENTS:** Staff mailed out 16 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Staff recommends approval subject to:

- 1) 1 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Building, Fire, Health, etc.) and
- 3) Must acquire a business license prior to occupancy.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Garza moved to close the public hearing. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to the approve the conditional use permit as per staff's recommendation. Mr. Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

**Started:** 5:42 p.m.

**Ended:** 5:44 p.m.

**Item #1.4**

**Conditional Use Permit:**

Mobile Food Truck – Empanadas El Argentino  
2509 Colorado Street, Ste. 204  
Lot 1, Block 2, Santa Lucia Development  
C-3  
Ana Serna De Lara

Ms. De Luna went over the write-up stating the subject site is located near the NW corner of Colorado and Taylor Road along the north side of Colorado Street. The applicant is leasing a space on the recently approved Mobile Food Park and would like to place her mobile food truck to offer a variety of Empanadas. Access to the site will be provided off of Colorado or Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Monday – Saturday from 5:30 pm to 10:30 pm
- **Employees:** 3-4
- **Parking & Landscaping:** The Mobile Food Park measures 134' x 72' for a total of 9,648 sq. ft. Based on the square footage they are required 23 parking spaces. The landlord has a total of 67 parking spaces available for this area and has submitted a written agreement to use the parking spaces from the commercial plaza if needed.
- **Other Requirements:** Must comply with all Building, Fire and Health Codes.

**REVIEW COMMENTS:** Staff mailed out 16 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

**RECOMMENDATION:** Staff recommends approval subject to:

- 1) 1 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Building, Fire, Health, etc.) and
- 3) Must acquire a business license prior to occupancy.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardisen moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to the approve the conditional use permit as per staff's recommendation. Mr. Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:44 p.m.**

**Ended: 5:45 p.m.**

**Item #1.5**

**Conditional Use Permit:**

To Move-In a Home on Property Zoned  
R-4 (Mobile & Modular Home)  
1432 E. Santa Maria Drive, Unit H1  
Lot 1, Block H, Wintergreen Estates  
R-4  
Pamela Johnson

Ms. De Luna went over the write-up stating the subject site is located at the SW corner of Santa Maria and Yosemite Drive along the south side of Santa Maria Drive within the Wintergreen Estates Mobile Home Park. Mrs. Johnson desires a CUP to be allowed to move-in a home. The R-4 zone typically only allows mobile homes and RV's as the primary structure unless a CUP is awarded by the City, but they must comply with the R-1 setback requirements. Staff notes that if the request is approved they would still need to seek a variance for the setback and square footage requirements.

**REVIEW COMMENTS:** Staff notes that two other similar requests have been approved within the subdivision for Lot 2, Block K and Lot 5, Block F. Staff mailed out 58 notices to property owners within 200' radius for input in regards to this item. Staff has not received any comments in favor or against this request.

**RECOMMENDATION:** Staff recommends approval for life of use subject to being transferable to others.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mrs. Austin moved to close the public hearing. Mr. Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Garza moved to approve the conditional use permit as per staff's recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:45 p.m.**

**Ended: 5:48 p.m.**

**Item #1.6**

**Conditional Use Permit:**

Sports Complex Facility  
2513 Victoria Avenue  
Lot 2, Hampton Inn & Suites  
C-3  
South Texas Development & Construction

Ms. De Luna went over the write-up stating the subject site is located approximately 435' west of Taylor Road along the north side of Victoria Avenue. The applicant is proposing to construct a 1,500 square foot 2-story Sports Complex Facility that would include the following: A Pro Shop, 7-padel courts, 5-pickel courts, lobby, office, storage areas, bar area and terrace. Access to the site will be via a 40' access driveway off of Victoria Avenue. Staff notes that if the applicant wants to offer alcoholic beverages in his venue he would require a conditional use permit.

- **Section 1.43-C-3(General Business)(3)(g)** states that "Amusement parks, circus or carnival grounds, commercial amusement, or recreation development, or other temporary structure used for temporary purposes" are allowed with a Conditional Use Permit.
- **Hours of Operation:** Monday – Saturday from 6 am to 10 pm and Sunday from 6 am to 6 pm
- **Staff:** 10 employees
- **Parking & Landscaping:** In reviewing the site plan, the applicant is proposing a total of 56 parking spaces including 4 for handicap. Landscaping and lighting will need to be complied with.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes. All commercial properties adjoining any residential use must install a 6' solid buffer along the perimeter of the property.

**REVIEW COMMENTS:** Staff mailed out 25 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Staff notes that this sport has become popular and is in demand. The applicant did share that he has another location in the City of McAllen that has been operation without any issues.

**RECOMMENDATION:** Staff recommends approval for life of use subject to:

- 1) Compliance with the Building, Fire and Sign Codes.
- 2) Must comply with 6' buffer requirement.
- 3) Must comply with noise ordinance, and
- 4) Acquisition of a business license.

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

There was none

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Sanchez moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to the approve the conditional use permit as per staff's recommendation. Mr. Hardisen 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:**

Sale & On-Site Consumption of Alcoholic  
Beverages - Incredibowl  
2140 E. Business Highway 83  
Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision  
C-4  
Spare Time Concessions, LLC

Ms. De Luna went over the write-up stating the subject site is located approximately 400' east of Ragland Road on the South side of Business Highway 83. This business has been in operation since 2015. There building contains the following: 24 bowling lanes, a party room, an office, bowling and shoe rental area, snack bar/kitchen, game room, utility/storage and outside battling cages and an adventure tower. The main entrance to the facility is located along the North side of the building. The applicant would like to continue offering alcoholic beverages in his menu, therefore the need to renew his conditional use permit. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on November 13, 2019 for a period of 4 years. Staff notes that this would be the applicants 4<sup>th</sup> renewal.

- **Hours of Operation:** Sunday – Saturday from 12:00p.m. to 12:00a.m.
- **Staff:** 20-27 employees
- **Parking:** In viewing the floor plan, there are a total of 180 parking spaces, meeting code.
- **Sale of Alcohol** – The existing restaurant includes a small 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a mobile and modular home residential neighborhood located south of the subject site within the 300' radius.

**REVIEW COMMENTS:** Staff mailed out 27 notices to property owners within a 200' radius of this business where Staff has not received any comments in favor or against this request. It is also noted that there have been no issues reported to PD during the CUP's existing tenure. Since this is a family-oriented establishment and it is not open after 12a.m., and the sale of alcohol is not the primary item of the purchase, staff does not object to an extended approval term.

**RECOMMENDATION:** Staff recommends approval for life of use subject to:

- 1) Waiver of the 300's separation requirement from the residential neighborhood
- 2) Compliance with all City Codes (Building, Health, Fire, etc.); and
- 3) CUP not to be transferable to others.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardisen moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to the approve the conditional use permit as per staff's recommendation. Mr. Hardisen 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:**

2-Drive Thru Service Doors

**Renewal:**

- The Health Nut

301 E. Expressway 83

Lot 4, El Pueblo No. 1

C-3

Joaquin Pena

Ms. De Luna went over the write-up stating the subject site is located approximately 840' off of Conway Avenue along the northside of the Frontage Road. The applicant is leasing a 360 sq. ft. building for a health nut business with two Drive-Thru Service Doors. The drive-thru service doors are along the east and west side of the building allowing for stacking for approximately 8 vehicles. The customers place their order on the east side of the building and wrap around to the west side for pickup. The last CUP approved for the two Drive-Thru Service Doors for this location was on July 26, 2021 for a period of 2 years.

- **Days/Hours of Operation:** Monday through Wednesday 6am to 9pm, Thursday 6am to 8pm, Friday 6am to 7pm, Saturday 9am to 6pm and Sunday 9am to 2 pm
- **Staff:** 6 employees
- **Parking & Landscaping:** It is noted that the parking spaces are held in common for this commercial plaza and it exceeds code. Landscaping requirements are meeting code.

**REVIEW COMMENTS:** Staff mailed out 18 notices to property owners within a 200' radius of this business where Staff has not received any comments in favor or against this request. Staff does not object to an extended approval term, since there have been no issues reported to PD.

**RECOMMENDATION:** Staff recommends approval subject to:

1. 4 year re-evaluation to continue to assess this operation.
2. Compliance with all City Codes (Building, Fire, Health, etc.) and
3. CUP not to be transferable to others.

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

There was none.

Chairwoman Izaguirre entertained a motion to close the public hearing. Mr. Hardisen moved to close the public hearing. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Alaniz moved to approve the conditional use permit as per staff's recommendation. Mr. Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM#2.0**

**ADJOURMENT**



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

A handwritten signature in black ink, appearing to be 'D Izaguirre', written over a horizontal line.

Diana Izaguirre, Chairwoman  
Planning and Zoning Commission