

**PLANNING AND ZONING COMMISSION**  
**AUGUST 9, 2023**  
**CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Diana Izaguirre  
Steven Alaniz  
Kevin M. Sanchez  
J.D. Villarreal

**P&Z ABSENT**

Connie Garza  
Raquenel Austin  
Ruben Arcaute  
Jasen Hardison

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Irasema Dimas  
Alex Hernandez

**GUEST PRESENT**

Matt Hill  
William F. Neckert Jr.  
Roel Morreno Jr.  
Erick Ramirez  
Alfonzo Guzman  
Miguel Mateos  
Aaron Balli

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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

There was none

**APPROVAL OF MINUTES FOR JULY 26, 2023**

Chairwoman Izaguirre asked if there were any corrections to the minutes for June 26, 2023. Mr. Sanchez moved to approve the minutes. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:31 p.m.**

**Ended: 5:35 p.m.**

**Item #1.1**

**Rezoning:**

**Tract 1: A 9.00 acre tract of land, more or less,  
out of Lot 236, John H. Shary Subdivision  
&**

**Tract 2: A 1.000 acre tract of land, more or less,  
out of Lot 236, John H. Shary Subdivision  
AO-I to R-1  
Elite Development 786, LLC  
c/o M2 Engineering, PLLC**

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: – City of McAllen  
W: R-1 – Single Family Residential  
S: R-1 – Single Family Residential

**EXISTING LAND USES:**

N: Taylor Senior Village  
E: City of McAllen  
W: Residential

S: Residential  
Site: Vacant

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

**REVIEW COMMENTS:** This 10-acre tract is mostly surrounded by Single Family Residential with the exception of the Taylor Senior Village. P&Z may recall seeing this 10-acre tract for R-3 (Multi-Family Residential) & R-1T (Townhouses) within the past year. However, due to the substantial amount of opposition from the surrounding property owners the applicant withdrew the request before it had the opportunity to be considered by the City Council. The applicant now wishes to rezone this property to R-1 (Single Family Residential). Staff notes that the proposed request is consistent with the Future Land Use Map and surrounding land uses, which reflects that R-1 remained the best compatible use for the neighborhood.

**RECOMMENDATION:** 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. Sanchez moved to close the hearing. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to approve the rezoning. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

**Started:** 5:35 p.m.

**Ended:** 5:37 p.m.

**Item #1.2**

**Conditional Use Permit:**

**To Build a Drive-Thru Service Window  
209 N. Shary Road  
Being a 3.01 acres tract of land out of & forming  
part or portion of Lots 184 & 194,  
John H. Shary Subdivision  
(aka Lot 1, Shary Town Plaza Subdivision U/R)  
C-3  
Auriel Investments  
c/o Mario Reyna, Melden & Hunt**

Ms. De Luna went over the write-up stating the subject site is located approximately 370' north of 1<sup>st</sup> Street along the westside of Shary Road. The site is currently going through the subdivision process. The applicant is proposing to construct a 5,475 sq.ft. commercial building with two suites and a drive-thru service window on the south side of the building. Access to the drive-thru would be via a 24' access drive that wraps around the building allowing stacking of up to 5 vehicles. Based on the square footage of the building, there is a total of 17 parking spaces required. The applicant is proposing 54 parking spaces, exceeding code by 37. Staff notes that they will be complying the all city requirements.

**REVIEW COMMENTS:** Staff mailed out 12 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Once the building is leased, the tenant will have to come and apply for a Conditional Use Permit on their behalf.

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

- 1) Compliance with all City Codes (Building, Parking, Fire, Health, etc.) and
- 2) Tenant must apply for their own conditional use permit.

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. Alaniz moved to close the hearing. Mr. Sanchez 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. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:37 p.m.**

**Ended: 5:38 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**To Build Two (2) Drive-Thru Service Windows  
301 N. Shary Road  
Being a 3.01 acres tract of land out of & forming  
Part or portion of Lots 184 & 194,  
John H. Shary Subdivision  
(aka Lot 2, Shary Town Plaza Subdivision U/R)  
C-3  
Auriel Investments  
c/o Mario Reyna, Melden & Hunt**

Ms. De Luna went over the write-up stating the subject site is located approximately 600' north of 1<sup>st</sup> Street along the westside of Shary Road. The site is currently going through the subdivision process. The applicant is proposing to construct an 18,491 sq.ft. commercial building with 9 suites and drive-thru service windows on the north and south side of the building. Access to the drive-thru windows would be via a 24' access drive that wraps around the building allowing stacking of up to 7 vehicles on each side. Based on the square footage of the building, there is a total of 49 parking spaces required. The applicant is proposing 134 parking spaces, exceeding code by 85. Staff notes that they will be complying the all city requirements.

**REVIEW COMMENTS:** Staff mailed out 12 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Once the building is leased, the tenant will have to come and apply for a Conditional Use Permit on their behalf.

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

- 1) Compliance with all City Codes (Building, Parking, Fire, Health, etc.) and
- 2) Tenant must apply for their own conditional use permit.

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 hearing. Mr. Alaniz 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. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:38 p.m.**

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

**Item #1.4**

**Conditional Use Permit**

**Renewal:**

**Sale & On-Site Consumption of Alcoholic**

**Beverages – Taco Palenque**

**2420 E. Interstate Highway 2**

**Lot 5-C, Sharyland Place Subdivision**

**C-3**

**Eduardo Castañeda**

Ms. De Luna went over the write-up stating the subject site is located ¼ mile east of Shary Road along the south side of Interstate Highway 2, north of Kohl's – see vicinity map. It has an existing drive-thru service window with access to the site through an existing off-site entrance located 42' from the site. The 12' drive-thru lane runs along the south and east sides of the building which allows stacking for 5' vehicles. The last conditional use permit for the sale and on-site consumption of alcohol for this location was approved on April 26, 2021 for a period of 2 years.

- **Days & Hours of Operation:** Open 24hrs – Everyday. Alcoholic beverages will only be served during allowable State selling hours.
- **Employees:** 50 employees in different shifts
- **Parking & Landscaping:** The restaurant requires 79 parking spaces. The applicant is providing 55 spaces on-site and is leasing an additional 24 for a total of 79 spaces, thus compliant to code. 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 lot. Staff has not received any compliances in regards to parking.
- **Sale of Alcohol:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital. There are none of these land uses within the above radius.

**REVIEW COMMENTS:** Since the restaurant is more of a family-oriented venue; the sale of alcohol is not the primary item of purchase; and Mission PD did not have any negative issues to report, staff does not object to a longer approval period. Staff mailed out 6 notices to property owners within 200' radius and staff has not received any comments in favor or against the request.

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

- 1) Continued compliance with all City Codes (Building, Parking, Fire, Health, etc.) and
- 2) Compliance with TABC requirements

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 hearing. Mr. Alaniz 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 for life of use. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:43 p.m.**

**Item #2.0**

**Site Plan Approval:**

**Construction of a Commercial Plaza  
(Shary Town Plaza, Lot 1 – Building “A”)**

**C-3**

**Domain Development Corp.**

Mr. Ramirez went over the write-up stating the subject site is located approximately 370' north of 1<sup>st</sup> Street along the westside of Shary Road. The developer is proposing one main structure on Lot 1 (Building “A”).

Upon reviewing the site plan, Lot 1 will have access from N. Shary Road. The proposed Building “A” measures 5,475 sq.ft. with a drive thru window on the south side of the structure and may have up to 2 retail units.

The front building setback for “Building A” is approximately 88.5' all other setbacks are complying with zoning ordinance, easements or greater as per site plan.

Lot 1 will have a total of 51 parking spaces allocated to serve the Plaza. An existing fire hydrant and its assemblies are located along Shary Road with an additional 3 fire hydrants to be installed within the complex. Fire lanes will be noted at restricted locations throughout the parking lot.

The proposed drainage for this project shall be by surface runoff and collected by inlets. Storm water will discharge into an existing adjacent detention pond to serve both properties. Landscaping and lighting plan will be following City's regulations and code ordinances.

**OTHER COMMENTS:**

- 4 enclosed dumpsters will be located within both lots to be screened with a 6' block fence and opaque (solid) gates.
- Sign permits will be required per tenant
- Installation of a solid buffer fence abutting residential properties.

**RECOMMENDATION:** Staff recommends approval.

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. Alaniz moved to the approve the site plan. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:43 p.m.**

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

**Item #2.1**

**Site Plan Approval:**

**Construction of a Commercial Plaza  
(Shary Town Plaza, Lot 2 – Building “B”)  
C-3  
Domain Development Corp.**

Mr. Ramirez went over the write-up stating the subject site is located approximately 600' north of 1<sup>st</sup> Street along the westside of Shary Road. The developer is proposing one main structure on Lot 2 (Building “B”) being a shared multi-suite plaza.

Upon reviewing the site plan, Lot 2 will have access from N. Shary Road. The proposed Building “B” measures 18,491 sq.ft. with 2 drive thru windows and may have up to 9 retail units.

The front building setback for “Building B” is approximately 143.5' all other setbacks are complying with zoning ordinance, easements or greater as per site plan.

All building setbacks will be complied with.

Lot 2 will have 135 parking stalls allocated to serve the plaza. An existing fire hydrant and its assemblies are located along Shary Rd. with an additional 3 fire hydrants to be installed within the complex. Fire lanes will be noted at restricted locations throughout the parking lot.

The proposed drainage for this project shall be by surface runoff and collected by inlets. Storm water will discharge into an existing adjacent detention pond to serve both properties. Landscaping and lighting plan will follow City's regulations and code ordinances.

**OTHER COMMENTS:**

- 4 enclosed dumpsters will be located within both lots to be screened with a 6' block fence and opaque (solid) gates.
- Sign permits will be required per tenant
- Installation of a solid buffer fence abutting residential properties.

**RECOMMENDATION:** Staff recommends approval.

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. Sanchez moved to the approve the site plan. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:46 p.m.**

**Item #2.2**

**Site Plan Approval:**

**Construction of a battery energy storage site  
All of Lots 1-12, inclusive, Blk. 99; Lots 1-12,  
Inclusive, Blk. 126; Lots 1-4, inclusive, Blk. 127;  
Mission Original Townsite**

**Canefield Energy, LLC**

Mr. Ramirez went over the write-up stating the subject site is located on the SE corner of Business Highway 83 and Holland Avenue. Canefield Energy, LLC wishes to construct a standalone battery storage facility. Currently, the property has a structure to be demolished.

The site will be fenced with chain-link wire and accessible from Holland Ave. by a proposed driveway which will be secured and gated for personnel use only. The facility will be equipped with a paved access driveway to include a hammerhead turnaround, 2 inverters, and 6 BESS containers.

There will be general access to existing infrastructure (i.e., fire hydrants, street lighting), thus no need for additional extensions or modifications, however a fire suppression system will be installed for prevention and safety per proposed plans - see utility plan.

The public will not have access to this site therefore parking will not be provided. The proposed development will not increase the peak runoff from the site above the existing conditions. Therefore, the proposed development will not adversely impact the surrounding areas during the 100-year storm event. Landscaping and lighting plan will follow City's regulations and code ordinances.

**OTHER COMMENTS:**

- Drainage to be approved by the City Engineer, prior to building permit issuance.

**RECOMMENDATION**

Staff recommends approval subject to:

1. A drainage plan must be approved by the City Engineer, prior to permit issuance.

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. Alaniz moved to the approve the site plan Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:46 p.m.**

**Ended: 5:46 p.m.**

**Item #3.0**

**Preliminary & Final:**

**Plat Approval**

**Turtle Cove Subdivision**

**Being 7.417 acres out of Lot 33-1,**

**West Addition to Sharyland**

**R-2**

**Developer: Town and Country McAllen, LLC**

**Engineer: Trimad Consultants, LLC**

Mr. Ramirez went over the write-up stating the subject site is located approximately 900' from the intersection of Inspiration Rd. and W. Mile 3 Rd. The property is currently open with a proposed use of Twenty-five (25) duplex-fourplex lots and one (1) detention pond. — see plat for actual dimensions, square footages, and land uses.

**WATER:** The water CCN belongs to Sharyland Water Supply. The developer is proposing to connect from an existing 8" water line located along the east side of White Oak Dr. and to extend into the subdivision with a proposed 8" water line to service each lot. They are proposing 5 fire hydrants as via direction of the Fire Marshal's office. – see utility plan

**SEWER:** Wastewater service will connect into an existing 8" sewer main located on the west side of White Oak Dr. An internal 8" sewer line system will provide sewer service to all the lots. The Capital Sewer Recovery Fee is required at \$670.00/Lot which equates to \$16,750.00 (\$670.00 x 25 lots).

**STREETS & STORM DRAINAGE:** The proposed internal streets will be 38' Back-to-Back for White Oak Dr. and all other streets will be 32' BB within a 50' Right of Way. Access will be from W. Mile 3 Rd. The proposed drainage for this subdivision will consist of the water flowing into a detention swale through 6' curb cuts and a pvc bleeder line that leads to a proposed drainage manhole that discharges into an existing grate inlet located west of the SW corner of the property. The City Engineer has reviewed and approved the drainage report.

#### **OTHER COMMENTS**

- Water District Exclusion
- Escrow Park fees (100 lots x \$500 = \$50,000.00)
- Installation of Street Lighting as per City Standards
- Must Comply with all other format findings

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

1. Payment of Capital Sewer Recovery Fee's and Park Fee's
2. Provide Water District Exclusion
3. Comply with all other format findings.

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. Villarreal moved to the approve the Site Plan. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:46 p.m.**

**Ended: 5:46 p.m.**

**Item #4.0**

**Preliminary & Final:**

**Plat Approval**

**Palmettos Cove Subdivision**

**2.122 acres of land, being a**

**Part or portion of Lot 22-1**

**West Addition to Sharyland**

**R-4**

**Developer: Aaron Balli Jr.**

**Engineer: R.O. Engineering, PLLC**

Mr. Ramirez went over the write-up stating the subject site is located approximately 360' east of Inspiration Rd. north of Barnes St. The developer is proposing (31) Thirty-One Open Spaces for RV Park development with (2) Two lots to be designated for storm water detention purposes — see plat for actual dimensions, square footages, and land uses.



**WATER:** The site will be supplied by the existing 8" water line running to and thru the property which is looped for compliance and a fire hydrant complete with its assemblies. A 2" house meter will be installed to service each unit. – see utility plan

**SEWER:** Sanitary sewer will be available by an existing 8" private service tied to an existing 8" sewer system located on the east side of this development. The Capital Sewer Recovery Fee will be required at \$75.00/Lot which equates to \$2,325.00 (\$75.00 x 31 Lots).

**STREETS & STORM DRAINAGE:** The proposed internal street will be a 24' Back-to-Back private drive with access from Barnes Street. The proposed drainage for this subdivision shall consist of surface runoff from the lots into the street and collected by Type "A" inlets. Pipe sizes range from 18" to 24" which will carry storm water into 2 detention ponds located at the entrance of this development and ultimately released into the City's system located along the east right-of-way of Inspiration Rd. The City Engineer has reviewed and approved the drainage report.

#### **OTHER COMMENTS**

- Water District Exclusion
- Escrow Park fees (31 lots x \$500 = \$15,500.00)
- Installation of Street Lighting as per City Standards
- Must Comply with all other format findings.

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

1. Payment of Capital Sewer Recovery Fee's and Park Fee's
2. Provide Water District Exclusion
3. Comply with all other format findings.

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

Mr. Aaron Balli was present. He mentioned some history of the property he was proposing to develop. He stated that that this property was the last property that was zoned for mobile homes. He added that he looked at the option of doing several lots but it wouldn't be cost efficient. He mentioned that he was asking for several variances and would make the park look nice.

Mr. J.D. Villarreal asked if there were any provisions for grandfathered property?

Chairwoman Izaguirre stated that was a legal question.

City Attorney stated that if the R-5 zone still existed and he didn't comply with the R-5 and asked for variances. He stated that what the applicant was really doing was changing the zone to an R-4.

Ms. De Luna stated then all he had to do was replat the property.

Chairwoman Izaguirre stated as a one lot subdivision.

Ms. De Luna stated "yes" R-5 allowed spaces. She added that the R-5 zone didn't exist.

Chairwoman Izaguirre stated that in order to meet the R-4 requirement all he needs to do is meet the lot distribution.

Ms. De Luna stated that it had to be lots and not spaces. She mentioned that the lots cannot be rented.

Chairwoman Izaguirre asked if the developer had an approved drainage report.

Mr. Balli stated "yes"

Discussion amongst the board members.

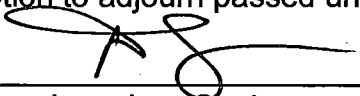
Ms. De Luna stated that minimum sq. ft. of a lot is; 5000 sq. ft for internal lots; 6000 sq. ft for corner lots.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Villarreal moved to the approve the subdivision as presented. Mr. Alaniz seconded the motion. Upon a vote, the motion passed unanimously.

#### **ITEM#5.0**

#### **ADJOURMENT**

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Sanchez moved to adjourn the meeting. Mr. Alaniz seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:08 p.m.



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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission