

**PLANNING AND ZONING COMMISSION
NOVEMBER 14, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Carlos Lopez
Raquene Austin

P&Z ABSENT

Diana Yzaguirre
Jaime Gutierrez
Hector Moreno

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Maribel Quintanilla
Joel Chapa, Jr.
Susie De Luna
Gilbert Chapa

GUESTS PRESENT

Margarita De La Fuente
Jose De La Fuente
Nicolas Elizondo
Terry Van Burkleo
Josie L. Chapa
Romeo De Leon
Alex Meade

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:36 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR OCTOBER 24, 2018

Chairman Sheats asked if there were any corrections to the minutes for October 24, 2018. Mr. Carlos Lopez moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:38 p.m.

Item #1.1

REZONING:

A 0.85 acre tract out of Lot 29-4
West Addition to Sharyland Subdivision
C-3 to R-1
Baudelio Cortinas

Mr. Jaime Acevedo went over the write-up stating the subject site is located at the NW corner of West 2 Mile Road and Trospen Road. The irregular corner lot has site measures 214' X 175' which equates to 0.85 acres.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: AO-I – Agricultural Open Interim

W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential
E: Residential
W: Residential
S: Residential & Irrigation Canal

Site: Residential

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Low Density Residential (LD) land use, too; thus, R-1 is directly consistent to the LD designation. Overall, it seems that the R-1 is consistent with the surrounding residential land uses surrounding the subject site.

RECOMMENDATION: Approval.

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

There was none.

Chairman Sheats asked if there were any input in favor or against this request.

There was none.

Mr. Carlos Lopez moved to approve the rezoning as per staff's recommendation. Mrs. Austin Raquenel seconded the motion. Upon a vote, the motion was passed unanimously.

Started: 5:39 p.m.

Ended: 5:47 p.m.

Item #1.2

REZONING

A 0.88 acre tract out of Lot 246,
John H. Shary Subdivision
AO-I to R-3
Romeo De Leon

Mr. Acevedo went over the write-up stating the subject site is located along the west side of Taylor Road between Summer Breeze Ave and East 20th Street.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: City of McAllen
W: R-1 – Single Family Residential
S: R-3 – Multi Family Residential

EXISTING LAND USES: N: Single Family Residential
E: City of McAllen
W: Single Family Residential
S: Multi Family 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 01/25/2016, the City Council voted to approve Resolution #1430 in favor of an R-3 multi-family development south of the subject site. The proposed R-3 development will also be private and gated. Additionally, Staff notes the FLUM can be amended to reflect the R-3 use. Although our recommendation is for approval, P&Z can make its own recommendation to the City Council taking into account comments in favor or against the request.

RECOMMENDATION:

Since the existing private multi-family development seems to be working out in the area, Staff recommends approval of the rezoning request.

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

Mrs. Marisela asked if it was single story?

Mr. Acevedo replied, “yes”

Chairman Sheats asked if this will be townhouses or condo type with people owning pieces of it.

Mr. Acevedo replied, “no” that they are divisions between them and that it is more like an eightplex not a fourplex.

Chairman Sheats asked if the applicant was present.

Mr. Romeo De Leon was present to address any questions from the Board.

Mr. Sheats asked how much he would be losing when Taylor Road widens.

Mr. Acevedo answered an additional 20’.

Chairman Sheats asked if there were any questions or comments from the commissioners.

There was none.

Mrs. Marisela Marin moved to approve rezoning as per staff's recommendation. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:47 p.m.

Ended: 5:50 p.m.

Item #1.3

REZONING:

2.444 acres out of Lot 254
John H. Shary Subdivision
AO-I to C-3
Nicolas Elizondo

Mr. Acevedo 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 site measures 330' X 322.64' which equates to 2.444 acres.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: C-3 – General Commercial
W: C-3 – General Commercial
S: R-1 & C-1 – Single Family Residential & Office Commercial

EXISTING LAND USES: N: Storage Units (Permitted in AO-I)
E: Commercial
W: Vacant Commercial
S: Residential & Commercial

Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation. Overall, it seems that the C-3 proposal is the highest and best use for the site.

RECOMMENDATION: Approval.

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

There was none.

Mr. Nicolas Elizondo was present to address any questions from the Board.

Chairman Sheats asked if there were any input in favor or against this request.

There was none.

Mrs. Raquene Austin moved to approve the rezoning as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:50 p.m.

Ended: 5:53 p.m.

Item #1.4

CONDITIONAL USE PERMIT: To have a Drive-Thru Service Window
El Tranvia
2515 S. Colorado Suite 11
Lot 2, Block 2, Santa Lucia Development Subdivision
C-3
Guillermo Cortez

Mr. Acevedo went over the write-up stating the subject site is located at the NW corner of Colorado and Taylor Road. The applicant is proposing to lease a suite within this commercial development to have a taqueria. Previously, the applicant has operated a snacks shop with a drive-thru service window at this establishment. Access to the site will be provided off Colorado or Taylor through an existing 24' driveways. Customers can 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 – Sunday from 8:00a.m. to 12:00a.m.
- **Staff:** a total of 4 employees will man this operation
- **Parking:** There are a total of 74 parking spaces held in common for the plaza.
- **Landscaping:** The landscaping, paving, and drainage for the entire plaza meets code.
- **Menu:** Applicant's menu consists of various breakfast items, soups, tacos, as well as a Mexican buffet from 12:00 pm – 4:00 pm Monday - Friday.

REVIEW COMMENTS: Applicant will have to comply with Building, Health, and Fire Departments for their Business License.

RECOMMENDATION: Approval subject to:

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

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

Mrs. Marisela asked how long you keep the sign banner.

Mr. Acevedo replied that temporary signs are only allowed for 30 days.

Chairman Sheats asked if there was any input in favor or against this request.

There was none.

Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:53 p.m.

Ended: 6:06p.m.

Item #1.5

CONDITIONAL USE PERMIT: To have a Drive-Thru Service Window
715 E. 6th Street
Lots 5 & 6, Block 112,
Mission Original Townsite Subdivision
C-2
Margarita De La Fuente

Mr. Acevedo went over the write-up stating subject site is located at the NE corner of Keralum Avenue and E. 6th Street. The applicant is proposing to lease a suite within this mixed-use (commercial/residential) development have access to a drive-thru window. This would be the first approval of the a mixed use development in the old townsite and prior to the issuance of the construction permit the applicant would like to have approval of the construction of the drive-thru window. If approved, a tenant such as a dry cleaner or convenience store would likely occupy the suite with the drive-thru. Access to the site will be provided off Keralum and E. 6th Street via two 24' driveways. Customers will be able to park within the proposed shared parking area to walk in and purchase items, or they will be able to use the drive-thru service window being proposed along the west side of the building. The proposed drive-thru would have its own one-way driveway leading customers up to the drive-thru window and this same driveway would be used to exit back onto E. 6th Street.

- **Days / Hours of operation:** Monday – Sunday limited not past 9:00 pm
- **Staff:** unknown at this time
- **Parking:** There are a total of 23 parking spaces held in common for the plaza with an additional 2 parking spaces that can be considered in the staking area for a total of 25 total parking spaces. For a mixed-use development of this size code requires 18 therefore exceeding code. In talking to the applicant, she has alerted staff that

because of the limited stacking a snack and snow cone business will not be considered at this location.

- **Landscaping:** The landscaping, paving, and drainage for the entire plaza will have to meet code prior to permit issuance.
- **Menu:** Unknown at this time.

REVIEW COMMENTS: Applicant will have to comply with Building, Health, and Fire Departments for their Business License.

RECOMMENDATION: Approval subject to:

1. 1 year re-evaluation from time of business license.
2. Business to cease drive-thru operations at 9:00 pm
3. CUP is not transferable to others.
4. Compliance with Building, Fire and Health codes.

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

Mrs. Marisela asked where is parking lot #17.

Mr. Acevedo replied that we can consider as additional parking space the drive thru.

Margarita De La Fuente was present to address any questions from the Board.

Chairman Sheats asked if there was any input in favor or against this request.

Mrs. Josie Chapa was in opposition and discussed the safety, bad issues, health and noise that this can bring to a family neighborhood.

There being no further discussion.

Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:07 p.m.

Ended: 6:31 p.m.

Item #1.6

CONDITONAL USE PERMIT: To designate an area as a Mobile Food Park for operation of Mobile Food Units
801 N. Bryan Road.
Lot 1, Tamkin Subdivision
I-1
Mission Economic Development Corporation

Mr. Acevedo went over the write-up stating the subject site is located on the SW corner of Bryan Road and Business Highway 83. In 2016 the Center for Education and Economic Development (CEED) building was opened by the Mission EDC. Recently, in an outdoor event held by the 5x5 Brewing Company there was a welcoming response to the introduction of mobile food trucks to this outdoor event. Given the surplus area of the facility, the MEDC would like not to consider designating the northern section of its property for a mobile food park. This is intended to complement the CEED Building, Jitters Coffee House, and the 5x5 Brewing Company. The intent is to comfortably fit 8 to 10 mobile food units on a regular basis and between 12 to 15 units during larger events. Patrons and employees will have access to the Jitters and the 5x5 Brewing Company restroom facilities.

- **Parking:** There are currently several existing parking areas shared with the various businesses within the CEED building – see aerial. It is noted that parking is held in common and there is a total of 221 total parking spaces.
- **Hours of Operation:** The hours of operation will be from 10:00 am to 11:00 pm.
- **Sale of Alcohol:** Such uses need to be 300' from residential uses. There are no such uses within this radius.
- **Other Requirements:** Must continue to comply with all Building, Fire and Health Codes, and that each mobile food unit obtain a business license with the City of Mission.

RECOMMENDATION:

Staff recommends approval for 2 years to access this new operation.

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

Mr. Sheats stated that mobile food court implies mobility.

Mr. Acevedo replied that it has to be either a trailer in an axle or a vehicle that can be driven away.

Mr. Sheats asked where they will get the customers from.

Mr. Acevedo replied that it could be whoever wants to go and dine in.

Mr. Sheats asked where the entrance is.

Mr. Acevedo replied off Bryan St. or on 8th St. there are two entries.

Mr. Meade was present to address any questions from the Board.

Mr. Meade discussed the business operations and tenants of the CEED buildings including the lease of the mobile food trucks.

Chairman Sheats asked if there was any input in favor or against this request.

Mr. Terry Van Burkleo addressed his concerns to the board as an owner of a brick and mortar restaurant in the near vicinity of the proposed food truck park. In summary, he explained the food trucks are not required to have as many restrictions and requirements that a restaurant has such as ADA compliance, parking, and bathroom accessibility for patrons and employees.

Chairman Sheats asked if there were any questions or comments from the Commissioners.

Chairman Sheats asked Mr. Meade if the restrooms were inside the CEED building. Mr. Meade responded “yes” at Jitters and 5x5 Brewing.

Mr. Carlos Lopez moved to approve the conditional use permit as per staff’s recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:31 p.m.

Ended: 6:34 p.m.

Item #1.7

CONDITIONAL USE PERMIT

Sale and On-Site Consumption of Alcoholic Beverages – Taqueria El Zarape #9
2423 E. Expwy 83, Ste 100
Lot 2, Block A, Shary-Taylor
Expressway Commercial Subdivision
C-4
Taqueria El Zarape

Mr. Acevedo went over the write-up stating the subject site is located approximately ¼ mile east of Shary Rd. along the north side of the frontage road along Expressway 83, just east of Chili’s. The last CUP for the sale and on-site consumption of alcohol for this site was approved by P&Z on January 11, 2017 for a period until their TABC License expires in 2018.

- **Hours of operation:** 7:00a.m. to 12:00a.m from Monday through Sunday. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 20 employees
- **Parking and Landscaping:** The 3,500 sq. ft. restaurant requires 47 spaces based on 1 space for every 75 sq.ft. There are 59 spaces provided. It is also noted that the parking area is held in common and access to the site is provided through existing, interlocking parking lots from Chili’s and businesses to the north. This restaurant is located within an existing commercial site, which has existing landscaping and is in compliance with code.
- Staff has requested a report of complaints from Mission PD during the restaurant’s previous CUP approval. We expect to have the report by the time of the meeting.

REVIEW COMMENTS: There are no churches or schools within 300' of this restaurant, nor have there been any comments in favor or against this request forwarded to the Planning Department during the CUP's tenure.

RECOMMENDATION: If there are no incidents reported by Mission PD, Staff recommends approval of this CUP for a period of 2 years at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if there were any questions or comments from the commissioners to staff.

There being none.

Chairman Sheats asked if there was any audience opposition.

There being none.

Mr. Marisela Marin moved to approve the conditional use permit as per staff's recommendation. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was no other business.

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mrs. Marisela Marin moved to adjourn the meeting. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:34 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission