

**BUILDING BOARD OF ADJUSTMENTS AND APPEALS  
OCTOBER 31, 2023  
CITY COUNCIL CHAMBERS @ 4:00 P.M.**

**BBOA PRESENT**

Michael Davis  
Abel Beltran  
Carl Davis  
Victor Meza  
Ken Jones

**STAFF PRESENT**

Susana De Luna  
Irasema Dimas  
Jessica Munoz  
Victor Flores

**GUEST PRESENT**

**CALL TO ORDER**

Chairman Carl Davis called the meeting to order at 4:13 p.m.

**CITIZENS PARTICIPATION**

There was no citizens' participation upon inquiry.

**APPROVAL OF MINUTES FOR AUGUST 22, 2023**

Chairman Carl Davis asked the Board if there were any corrections to the minutes. There being none, Mr. Jones moved to approve the minutes as presented. Mr. Davis seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4**

**Unsafe Structure:**

**Start: 4:22**

**End: 4:29**

**2502 W. Business Hwy 83.**

**Lots 131 & 132, Ala Blanca UT No. 4**

**C-3**

**Joel A. Rodriguez**

Ms. Dimas stated that the 2021 International Property Maintenance Code (IPMC) Section 111.1.1 Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Ms. Dimas stated that this property had been abandoned since 2017. She mentioned that the house was on fire in 2017. She added that staff sent out numerous letters to the property owner and no response from the property owner. She added that several conversations between former city attorney and his attorney stated that they were trying to demolish, but were waiting for the insurance to clear. It's been seven years and nothing has been done. She mentioned that based on the pictures, the property is collapsing.

Chairman Carl Davis asked to pinpoint the map?

Chairman Carl Davis asked staff what was the recommendation?

Ms. Dimas stated that staff's recommendation was after six years of attempting to work with the property owner to rectify this unsafe structure, we have been unsuccessful to make any contact with the property owner. We are declaring the commercial property in despair and needs to be demolished.

Chairman Carl Davis asked if staff mentioned legal counsel.

Ms. Dimas stated that was back in 2017.

Chairman Carl Davis asked what was the hold up?

City Attorney Mr. Victor Flores stated that before Mr. Martinez there was another attorney Mr. Tijerina. He added that Mr. Tijerina filed the initial pleadings to district court. He added that he was listed as the attorney of record, I don't think Mr. Martinez and this is just me assuming that Mr. Martinez received those notices from the court. He added that after a certain prescribed period, it's dismissed for wanted prosecution.

Chairman Carl Davis asked if there was public participation on this item at 2502 W. Business Hwy 83, being Lots 131 & 132, Ala Blanca UT No. 4.

There was none.

There being no further discussion, Mr. Carl Davis entertained a motion Mr. Michael Davis moved to make this structure an unsafe building. Mr. Victor Meza seconded the motion. Upon a vote, the motion was unanimously approved.

Chairman Carl Davis entertained a motion to demolish the structure at 2502 W. Business Hwy 83. Mr. Ken Jones moved to demolish the unsafe structure. Mr. Victor Meza seconded the motion. Upon a vote, the motion was unanimously approved.

**ITEM #5**

**Unsafe Structure:**

**Start: 4:13**

**End: 4:16**

**2312 N. Citrus**

**Lot 8, Big Orange**

**R-1**

**Stephen & Emily Spoor**

Ms. Dimas stated that this property had been abandoned for a while and several letters have been mailed to Mr. Spoor. She added that Mr. Spoor came into the office on October 30, 2023, and stated that he was going to demolish the house. She added that Mr. Spoor was going to obtain quotes to demolish the home. She also made him aware of a program that the city has.

There being no discussion, Mr. Ken Jones moved to "Table" this item. Mr. Victor Meza seconded the motion. Upon a vote, the motion was unanimously approved.

**ITEM # 6**

**Unsafe Structure:**

**Start: 4:29**

**1542 W. Business Hwy 83**

**E. 75'x125' of S. 125' of Lot 5,**

**End: 4:32**

**& W. 50'x125' of Lot 6, Mission Acres  
C-3  
Isauro Garcia**

Ms. Dimas stated that this property had been abandoned since back in 2014. The property owner contacted a previous code enforcement officer asking time to demolish the structure himself. Mr. Isauro Garcia unfortunately passed away in January this year. She mentioned that the property has dilapidated more throughout the years.

Mr. Ken Jones asked when the city does the demolition, does the city put the cost of the demolition.

Ms. Dimas stated that a lien would be issued for that property.

Chairman Carl Davis asked if a family member or anyone had been notified?

Ms. Dimas stated "yes" I sent out a letter to Mr. Isauro Garcia and relatives but no one contact the city.

City Attorney Mr. Victor Flores stated that we also published in the newspaper.

Ms. Dimas stated that "yes".

There being no further discussion, Mr. Carl Davis entertained a motion Mr. Ken Jones moved to make this structure an unsafe building. Mr. Michael Davis seconded the motion. Upon a vote, the motion was unanimously approved.

Chairman Carl Davis entertained a motion to demolish the structure at 1542 W. Business 83. Mr. Michael Davis moved to demolish the unsafe structure. Mr. Victor Meza seconded the motion. Upon a vote, the motion was unanimously approved.

**ITEM # 7**

**Unsafe Structure:  
Start: 4:32  
End: 4:35**

**4033 Garza  
Lots 26, 27, & 28, Block 9  
Madero Tex Townsite  
AO-1  
Teresa Navarro**

Ms. Dimas stated that this property has been vacant for a long time. She added that the city initiated a case back in 2017. She mentioned that Mrs. Navarro passed away. She stated that Mr. Lerma met back in the day with a relative that used to live across the street and unfortunately that relative passed away. She also mentioned that the city had cleaned the property several times and 20 liens have been placed on the property. She added that this item was also published on the newspaper and sent letters but no one has responded.

There being no discussion, Mr. Carl Davis entertained a motion Mr. Michael Davis moved to make this structure an unsafe building. Mr. Ken Jones seconded the motion. Upon a vote, the motion was unanimously approved.

Chairman Carl Davis entertained a motion to demolish the structure at 4033 Garza. Mr. Michael Davis moved to demolish the unsafe structure. Mr. Ken Jones seconded the motion. Upon a vote, the motion was unanimously approved.

**ITEM # 8**

**Unsafe Structure:**

**Start: 4:16**

**End: 4:22**

**801 E. Tom Landry**

**Lot 1, Block A, Wright Addition**

**R-2**

**Leonel A. Zamora**

City Attorney Mr. Victor Flores stated that the city received a letter of representation from legal council representing Mr. & Mrs. Zamora stating that after speaking with their legal office, there are wanting to discuss with the city on how to either abate or demolish the structure. He added that his recommendation was to table this item.

Mr. Michael Davis stated that he thought that the board job was just to say it was an unsafe structure it has to go.

City Attorney Mr. Victor Flores stated that once it was ordered to get demolished, we would have to go through the process. He added that once the order is issued, it kind of triggers us to go to civil district court to demolish.

Mr. Michael Davis asked how long was that process?

City Attorney Mr. Victor Flores stated 6 to 9 months

Mr. Michael Davis stated so for every time we meet, we're going to have two or three homes like this?

City Attorney Mr. Victor Flores stated possibly. He added that our recommendation would be to table on these two instances, however there are going to be other instances where they're, reluctant to participate.

Mr. Michael Davis stated that the other unsafe structures don't have representative today. He added What's the process for demolishing once you don't allow them a chance to do it themselves at their cost.

City Attorney Mr. Victor Flores stated that everything was governed by the 1985. He added that's what is used across the board and 1985 standard abatement building code. He mentioned that really dictates what the process is. The notifications that are given and the right to appeal, that has to go in order. He stated that if they don't appeal it within 60 days, we have the right to take that order over to the district court and enter that as a finding of law and then give the city authority by court order to actually demolish it.

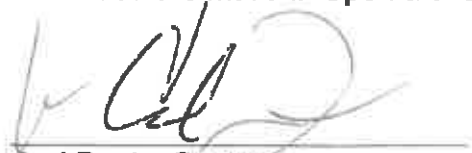
Mr. Abel Beltran joined the meeting.

There being no further discussion, Mr. Michael Davis moved to table the request. Mr. Ken Jones seconded the motion. Upon a vote, the motion was unanimously approved.

Chairman Carl Davis stated that there was no public participation.

**ITEM #0.0  
ADJOURNMENT**

There being no other business, Mr. Michael Davis moved to adjourn. Mr. Ken Jones seconded the motion. Upon a unanimous vote, the meeting was adjourned at 4:37 p.m.

A handwritten signature in black ink, appearing to read 'Carl Davis', is written over a horizontal line.

**Carl Davis, Chairman  
Building Board of Adjustments & Appeals**

**BUILDING BOARD OF ADJUSTMENTS AND APPEALS  
AUGUST 22, 2023  
CITY COUNCIL CHAMBERS @ 3:00 P.M.**

**BBOA PRESENT**

Michael Davis  
Abel Beltran  
Carl Davis  
Victor Meza  
Ken Jones

**STAFF PRESENT**

Susana De Luna  
Irasema Dimas  
Jessica Munoz  
Victor Flores

**GUEST PRESENT**

**CALL TO ORDER**

Vice-Chairman Davis called the meeting to order at 4:03 p.m.

**CITIZENS PARTICIPATION**

There was no citizens' participation upon inquiry.

**Item# 1.1**

**ELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

Mr. Susana De Luna stated that it was common procedure to elect a Chairman and a Vice-Chairman every year.

Chairman Carl Davis asked if there was any nomination for Chairman. Mr. Ken Jones nominated Mr. Carl Davis for Chairman. Mr. Michael Davis seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Carl Davis asked if there was any nomination for Vice-Chairman. Mr. Ken Jones nominated Mr. Victor Meza for Vice-Chairman. Mr. Michael Davis seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4**

**Discussion and Possible Action to Ratify granting authority to Chairperson to approve mobile homes older than 10 Years**

Ms. De Luna stated for the past 10 years the appointed Chairperson had been approving mobile homes that are 10 years or older without having a meeting. The process has been: 1) sending the building inspector to inspect the mobile home at the current location (before moving to Mission), 2) creating a report that is attached to the application and presented to the Chairperson for approval, 3) Planning Director approves the application to move the mobile home to Mission, 4) Move-In Permit is issued subject to signing an affidavit. This process has been working throughout the years, but it was recently

discovered that the process was not reflected on the minutes and that is the reason why, staff is trying to ratify the process.

Mr. Carl Davis stated that this is what we've been doing. He added since the inspectors have been doing their job I would just approve what they would.

Mr. Carl Davis asked the City Attorney that if they could keep doing it via email.

City Attorney Mr. Victor Flores introduced himself to the board. He added that since it was a past practice and we didn't have anything on the minutes you can do it. He also added that at any time it could be rescinded.

There being no further discussion, Mr. Victor Meza moved to approve the process for mobile homes that are 10 years or older without having a meeting. Mr. Ken Jones seconded the motion. Upon a vote, the motion was unanimously approved.

#### **ITEM #5**

Discussion with City Attorney on Building Board of Adjustments Bylaws, Procedures, and other city ordinances and state law related to the Board.

City Attorney Mr. Victor Flores stated that Ms. Irasema Dimas and Ms. Susana De Luna came up with some properties that by all intents and purposes are substandard, and should probably be brought to this board for consideration for demolition, possibly, under state law, their property owners are afforded due process, right. He added and so this is the due process of the statute, state law and, and in our ordinances govern is that that due process is before this board. He mentioned that it would just be reengaging of that process all over again. Mr. Carl Davis asked if the board had any questions.

Mr. Michael Davis asked is this for demolition.

City Attorney Mr. Victor Flores stated that the process generally is that staff will do their due diligence and decide that certain buildings is a substandard and not suitable for habitation. He added that it should be ordered to be demolished. He added that they will present it as a case.

Mr. Michael Davis stated it's been awhile since we've had a situation like that.

Ms. De Luna stated that we have like 50 homes. She added maybe we could consider 10 at a time.

City Attorney Victor Flores stated we can consider five. He added that the way we've done it with other cities is we are thorough to present all the information to each of you. He mentioned we try to present cases that are absolutely in need to be demolished.

Mr. Michael Davis asked Ms. De Luna for the process for the demolition.

Ms. De Luna stated that a letter is sent to the property owner, advising that their home is not in livable conditions.

Mr. Michael Davis asked whose decision is that.

Ms. De Luna stated the inspector. She added the inspector goes out there to do a report or an assessment of the home.

Chairman Mr. Carl Davis asked how long is this process.

City Attorney Mr. Victor Flores stated that in my experience, it varies, but you're looking at anywhere between three to six months, and I say six months because nobody wants to order someone to demolish their home. At the same time, when staff issues a report and says, this is a safety hazard for occupancy. He added when staff communicates that to the homeowner, it's kind of just getting an average letter in the mail. But when somebody comes before a board has to present their case, and then that board says no, we're going to give you three months to actually bring it up to code, come back, and then we'll decide.

Mr. Abel Beltran asked that if they were rental homes?

Ms. Dimas stated that they were not rental homes. She added that their homes that are abandoned or buildings that were caught on fire and the property owner decided not to do anything.

City Attorney Mr. Victor Flores stated that for this process we would bring the property owner.

Ms. De Luna stated that what the city allows is to enter into some sort of agreement, where the city demolishes the home, but they put a lien on the property or a payment plan. But they get the property owner's approval prior to being demolished.

Mr. Michael Davis asked that if the city had a program that helps somebody in need to help them rebuild.

Ms. De Luna stated that they would need to go through CDBG. But they need to meet a certain criteria.

City Attorney Mr. Victor Flores stated I just want to bring it forward to the board and just advising you will, you know, first of all, just actually direction on how many cases you might want. I recommend about five at most because you're going to be actual hearings, you'll be able to ask questions, they'll be able to



present their evidence and those sometimes slight, you know, exigent circumstances, financial hardships, things of that nature. To which you know, the Board may say, you know what, it really is a hazard and danger.

Mr. Michael Davis asked that if the fire department ever go out and tell the property owners that they have to leave.

Ms. Dimas stated that if there's a problem with any electrical or if something caught on fire.

City Attorney Victor Flores stated that we can actually have, a fire marshal or somebody for the fire department at these hearings.

Ms. De Luna stated that staff wanted to know what day would be better and what time would work for you.

Discussion amongst the board.

Mr. Carl Davis asked how many do we have.

Ms. De Luna stated we could have one meeting a month to discuss five properties at a time.

City Attorney Mr. Victor Flores stated that he'll ask staff to bring the more severe cases first.

Ms. Dimas stated that most of these houses have been like this since 2014 or 2015. She added we declared them unsafe.

City Attorney Mr. Victor Flores stated the reason for one a month is because we will also have city council meetings and planning and zoning.

Chairman Carl Davis stated that Tuesday would be a good day to meet.

Ms. De Luna asked that if four o'clock would be a good time?

All board members agreed to four o'clock Tuesday's.

Ms. De Luna stated if the last Tuesday of each month be ok.

All board members agreed to the last Tuesday of each month.

**ITEM #6.0  
ADJOURNMENT**

There being no other business, Mr. Michael Davis moved to adjourn. Mr. Ken Jones seconded the motion. Upon a unanimous vote, the meeting was adjourned at 4:23 p.m.



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**Carl Davis, Chairman**  
**Building Board of Adjustments & Appeals**

**PLANNING AND ZONING COMMISSION  
OCTOBER 25, 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

**P&Z ABSENT**

Steven Alaniz  
Ruben Arcaute

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Alex Hernandez

**GUEST PRESENT**

Aleyda Rivas  
Alejandro Rivas  
Eduardo Careaga  
Leo Salazar

**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 OCTOBER 11, 2023**

Chairwoman Izaguirre asked if there were any corrections to the minutes for September 11, 2023. Mrs. Garza moved to approve the minutes. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:34 p.m.**

**Ended: 5:36 p.m.**

**Item #1.1**

**Conditional Use Permit:**

Mobile Food Truck- Los Tacos de La Ganadera  
2509 Colorado Street, Ste. 205  
Lot 1, Block 2, Santa Lucia Development  
C-3  
La Ganadera  
(c/o Jose C. De Leon)

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

- **Days & Hours of Operation:** Every day from 7am to 12pm & 5pm to 11:30pm
- **Employees:** 3
- **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. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

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

**Started: 5:36 p.m.**

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

**Item #1.2**

**Conditional Use Permit:**

Sale & On-Site Consumption of Alcoholic  
Beverages - The Mix  
2509 Colorado Street, Ste. 102  
Lot 1, Block 2, Santa Lucia Development  
C-3  
The Mix Beer & Wine, LLC

Ms. De Luna went over the write-up stating the subject site is located near the NW corner of Colorado and S. Taylor Road along the north side of Colorado Street – see vicinity map. The applicant is leasing a container on the recently approved Mobile Food Park and would like to sell Alcoholic Beverages. The existing food trucks would be selling the food. Access to the site will be provided off of Colorado or S. Taylor Road through existing 24' driveways.

- **Days & Hours of Operation:** Monday – Sunday from 3:00 pm to 12 midnight
- **Employees:** 2 employees
- **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.),
- 3) Must comply with TABC requirements, and
- 4) 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. Austin moved to close the public hearing. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

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

**Started: 5:00 p.m.**

**Ended: 5:00 p.m.**

**Item #1.3**

**Conditional Use Permit:**

Rise Event Center  
416 W. 9<sup>th</sup> Street  
Lots 5 & 6, Block 149,  
Mission Original Townsite  
C-4  
Maria Del Rosario Mata

No Action Taken

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

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

**Item #1.4**

**Conditional Use Permit:**

Outdoor Padel Court/Any Recreational Activity  
719 Ragland  
A tract of land out of the Northwest 9.96  
Acres of Lot 203, John H. Shary Subdivision  
C-3  
Jorge Eduardo Careaga

Ms. De Luna went over the write-up stating the subject site is located 800' south of E. Business Highway 83 along the west side of Ragland Road. In an effort to attract more recreational activities to the city the applicant is proposing to add a 68' x 72' concrete pad to install 2 padel courts on the south side of the restaurant. Staff notes that on March 13, 2023 the City Council approved a conditional use permit for an outdoor soccer field at this same location. Access to the site will be via 2 existing driveways off of Ragland Road.

- **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 – Sunday from 9 am to 11 pm
- **Parking & Landscaping:** In reviewing the site plan, there is a total of 26 parking spaces including 4 for handicap and he is proposing to add an additional 15 parking spaces along the northwest corner of the property. Landscaping and lighting will need to be compiled 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 31 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Staff's only concern is that if all outdoor recreation activities and the restaurant are used at the same time there will be an issue with parking.

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

- 1) 6-month re-evaluation to assess the multiple operations,
- 2) Compliance with the Building, Fire and Sign Codes.
- 3) Must comply with 6' buffer requirement.
- 4) Acquisition of a Business License, and
- 5) Must comply with noise ordinance.

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

Mr. Jorge Careaga stated that Ms. De Luna stated that the operating hours will not be the same due to customers going to play instead of eating, Mr. Careaga stated which is fine because, the restaurant will be open in morning and afternoon only, he mentioned that he'll be adding more parking spaces.

Chairwoman Izaguirre questioned Ms. De Luna on whether landscaping will be done?

Ms. De Luna stated yes, he will comply with landscaping.

Mr. Jorge Careaga stated he's only cleaned the property and will comply with landscaping.

Mr. Sanchez questioned if adding landscaping to the conditional use permit is required?

Ms. De Luna stated Mr. Careaga would have to comply with landscaping and lighting during the business license process.

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. Hardison moved to approve the conditional use permit as per staff's recommendation. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

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

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

**Item #1.5**

**Conditional Use Permit:**

Sale and On-Site Consumption of  
Alcoholic Beverages – The Griffin Grill  
1906 E. Griffin Parkway  
Lot 19, River Oaks Plaza  
C-3  
Ram Culinary Group, LLC (c/o Richard L. Krauss)

Ms. De Luna went over the write-up stating the subject site is located within a commercial plaza located 1000' west of N. Glasscock Road on the south side of E. Griffin Parkway. The applicant would like to reapply for the Conditional Use Permit for the Sale and On-Site Consumption of Alcoholic Beverages. Staff notes that this restaurant includes a small bar component. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was

on October 28, 2019 for a period of 1 year. Staff notes that this would be the applicant's 2<sup>nd</sup> renewal.

- **Hours of Operation:** Monday - Wednesday from 8 a.m. to 3 p.m., Thursday – Saturday 8 a.m. to 9 p.m. and Sunday 9 a.m. to 2 p.m.
- **Staff:** 12 Employees in different shift
- **Parking:** The 1,860 sq. ft. building has a total of 44 seating spaces for the restaurant. A total of 25 spaces are required for this site (1,860 sq. ft./75sq.ft.= 24.8 parking spaces). It is noted that a total of 348 parking spaces are held in common within the commercial development.
- Landscaping has been provided as a part of the overall commercial plaza.
- Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. This site is located about 150' from River Oaks Estates, which is considered residential, therefore a waiver of the 300' separation requirements would be needed. Staff notes that P&Z and City Council have waived this separation requirement in the CUP's previous approval.

**REVIEW COMMENTS:** Staff mailed out 28 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure. Since the restaurant is not open after 12a.m., and the sale of alcohol is not the primary item of 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. Hardison 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. Hardison moved to approve the conditional use permit as per staff's recommendation. Mr. Sanchez seconded the motion. Upon a vote, the motion passed unanimously.

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

**Ended: 5:49 p.m.**

**Item #1.6**

**Conditional Use Permit:**

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 S. Shary Road on the south side of E. U.S. Expressway 83. La Herradura Taqueria is a family-oriented restaurant that sells a variety of tacos. The applicant would like to renew the conditional

use permit to continue utilizing the existing drive-thru service window. 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. The last CUP approved for this location for the use of the Drive- Thru Service Window was on June 21, 2022 for a period of 1 year. Staff notes that this would be the applicant's 1<sup>st</sup> renewal.

- **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:** 10 employees in different shift
- **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:** Staff mailed out 7 notices to property owners within 200' radius and staff has not received any comments in favor or against this request. Since the site has been previously used for a restaurant with the use of a drive-thru with no issues, Staff does not object to renewing their CUP.

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

- 1) 3 yr. approval in order to continue to assess this operation;
- 2) Must comply with all City Codes (Building, Fire, Health Codes, etc.) and
- 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 entertained a motion to close the public hearing. Mrs. Austin moved to close the public hearing. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

Chairwoman Izaguirre questioned on whether or not they would be fixing the roof?

Ms. De Luna stated that the plaza owners are taking care of that.

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

**Started: 5:49 p.m.**

**Ended: 5:54 p.m.**

**Item #1.7**

**Conditional Use Permit**

**Renewal:**

Sale & On-Site Consumption of Alcoholic  
Beverages – Extreme Pizza  
608 N. Shary Road, Units 4 & 5  
Lot 1, Alba Plaza Subdivision  
C-3  
Argos Foods, LLC



Ms. De Luna went over the write-up stating the subject site is located ¼ mile south of East Business Highway 83 within a commercial plaza along the east side of N. Shary Road. Extreme Pizza is a family-oriented restaurant that sells pizza, chicken wings, sandwiches, salads, and desserts. They would like to renew their conditional use permit to continue offering alcoholic beverages with their meals. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on October 11, 2021 for a period of 2 years. Staff notes that this would be the applicant's 2<sup>nd</sup> renewal.

- **Hours of operation:** Tuesday through Sunday from 10a.m. to 11p.m.
- **Employees:** 9 employees
- **Parking:** Parking is held in common and is meeting code at this commercial plaza.
- **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 residential subdivision within this radius; P&Z and City Council waived this separation requirement in the CUP's previous approval.

**REVIEW COMMENTS:** The restaurant has been in operation since 2019 with no complaints. The hours of operation are consistent with other family restaurant in the area. Staff mailed out 27 notices to property owners within a 200' radius, and staff has not received any calls in favor or against the CUP request. It is also noted that there have not been any reported PD issues during the CUP's existing tenure. Since the pizzeria is not open after 12a.m., and the sale of alcohol is not the primary item of purchase, staff does not object to an extended approval term.

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

- 1) CUP to be valid for a period of 4 years at which time the applicant will have to renew the TABC License and CUP,
- 2) Waiver of the 300' separation requirement from residential neighborhoods,
- 3) Continue Compliance with all City Codes (Building, Fire, Health, etc.), and
- 4) 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. Hardison moved to close the public hearing. Mr. Sanchez 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 conditional use permit as per staff's recommendation. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started:** 5:54 p.m.

**Ended:** 5:56 p.m.

**Item #1.8**

**Conditional Use Permit**

**Renewal:**

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

**Beverages – Arells Celebration Hall**

**1905 W. Griffin Parkway**

**Lots 1-4, Southern Oaks, Ph. I Subdivision**

**C-3**

**Daisy A. Vela**

Ms. De Luna went over the write-up stating the subject site is located 500' west of N. Inspiration Road along the south side of W. Griffin Parkway. The applicant has a Banquet/Party Hall for such activities as weddings, reunions, birthday parties, seminars, etc. The applicant has been in operation since June 2014 with no issues. The last CUP approved for the sale & on-site consumption of alcoholic beverages for this location was on September 13, 2021 for a period of 2 years. Staff notes that this would be the applicant's 4<sup>th</sup> renewal.

- **Hours of Operation:** The hours of operation vary depending on the type of activity; however, most events are during the evenings and on weekends and typically take place during the hours of 6:00 p.m. till 2:00 a.m.
- **Staff:** 2 employees & 1 security officer
- **Parking:** There are 16 tables assuming that 10 seats are proposed per table, 53 parking spaces are required for the hall (160/3 seats = 53.3). There is a total of 114 parking spaces held in common at this development. Since activities are proposed to be held at later hours and only on weekends, when most businesses at this development should be closed. There have not been any complaints regarding the number of parking.
- **Landscaping:** There is landscaping and parking lighting that has been installed by the applicant.
- **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 residential subdivision within this radius; P&Z and City Council waived this separation requirement in the CUP's previous approval.

**REVIEW COMMENTS:** Staff mailed out 23 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Staff has asked PD for a report of incidents. Only one incident has been reported to PD for public intoxication during the CUP tenure.

**RECOMMENDATION:** Staff recommends approval for life of use subject to:  
1) Waiver of the 300' separation requirement from residential neighborhoods,  
2) Continue 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. Villarreal moved to close the public hearing. Mr. Hardison 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. Mr. Villarreal seconded the motion. Upon a vote, the motion passed unanimously.

**Started:** 5:56 p.m.

**Ended:** 5:58 p.m.

**Item #1.9**

**Conditional Use Permit**

**Renewal:**

Sale & On-Site Consumption of Alcoholic  
Beverages – Arells Event Center  
1809 W. Griffin Parkway  
Lots 9-11, Southern Oaks Ph. I Subdivision  
C-3

Daisy A. Vela

Ms. De Luna went over the write-up stating the subject site is located 500' west of N. Inspiration Road along the south side of W. Griffin Parkway. This is the second of two event centers that the applicant operates at this commercial plaza. The Banquet/Party Hall is used for such activities as weddings, reunions, birthday parties, seminars, etc. The applicant has been in operation since October 2016 with no issues. The last CUP approved for the Sale & On-Site Consumption of Alcoholic Beverages for this location was on September 13, 2021 for a period of 2 years. Staff notes that this would be the applicant's 4<sup>th</sup> renewal.

- **Hours of operation:** The hours of operation vary depending on the type of activity; however, most events are during the evenings and on weekends and typically take place during the hours of 6:00 p.m. till 2:00 a.m.
- **Staff:** 2 employees & 1 security officer
- **Parking:** There are a total of 10 tables. Assuming that 10 seats are proposed per table, 33 parking spaces are required for the hall ( $100/3 \text{ seats} = 33.3$ ). There is a total of 114 parking spaces held in common at this development. Since activities are proposed to be held at later hours and only on weekends, when most businesses at this development should be closed. Staff does not believe that there will be any complaints regarding the number of parking.
- **Landscaping:** Landscaping meets code.
- **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 residential subdivision within this radius; P&Z and City Council waived this separation requirement in the CUP's previous approval.

**REVIEW COMMENTS:** Staff mailed out 32 notices to property owners within 200' radius and staff has not received any comments in favor or against the request. Staff has asked PD for a report of incidents. There has been no incident reported to PD for this location during the CUP tenure.

**RECOMMENDATION:** Staff recommends approval for life of use subject to:  
4) Waiver of the 300' separation requirement from residential neighborhoods,  
5) Continue Compliance with all City Codes (Building, Fire, Health, etc.), and  
6) CUP not to be transferable to others.

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

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

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

**Started:** 5:58 p.m.

**Ended:** 6:03 p.m.

**Item #2.0**

**Conditional Use Permit:**

To Keep a Portable Building for  
Office Use – Medicare EMS  
511 W. 11<sup>th</sup> Street

The East tract of Lots 1 & 2,  
Block 178, Mission Original Townsite  
C-4  
Medcare EMS, Inc.

Ms. De Luna went over the write-up stating the subject site is located 200' west of Kika De La Garza Loop along the south side of W. 11<sup>th</sup> Street—see vicinity map. The applicant would like to keep a 76' x 20' portable building that has been used for Med Care EMS services. The applicant mentioned that this office is only used as a hub station the main office is in McAllen. Access to the site is strictly off of W. 11<sup>th</sup> Street. The last CUP for this location was approved on September 12, 2022 for a period of 1 year. This would be the applicant's 1<sup>st</sup> renewal.

- **Hours of Operation:** Monday – Sunday 24/7
- **Staff:** 7 employees will operate the business (usually in the ambulance all day)
- **Parking & Landscaping:** A business office of this size requires a minimum of 7 parking spaces. Staff notes that the applicant would need to comply with the parking requirements, whether the office is being used or not. They will need to add additional landscaping.

**REVIEW COMMENTS:** It is not uncommon to have portable buildings to be used as an office. Staff knows that having a portable building may not be a long-term desire of the City when considering aesthetics. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be upgraded with an on-site built structure. Staff mailed out 11 notices to property owners within 200' radius and has not received any comments in favor or against this request.

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

- 1.) 6-month re-evaluation in order to assess this operation.
- 2.) Must comply with all City Codes (Building, Fire, etc.)
- 3.) Portable Building to be skirted, and
- 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 entertained a motion to close the public hearing. Mr. Hardison moved to close the public hearing. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Hardison Stated if landscaping was going to be required?

Ms. De Luna stated yes that is one of the requirements and needs to be complied with.

Chairwoman Izaguirre Asked and if they do fix it?

Ms. De Luna stated if they do fix it we can recommend for longer use.

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

**Started: 6:03 p.m.**

**Ended: 6:05 p.m.**

**Item #2.1**

**Preliminary & Final**

**Replat Approval:**

A Replat of Lots 33A and Lots 33B,  
Southwind Estates Unit II

A tract of land containing 1.01 acres of land out of Lot  
33, Southwind Estates Unit II

R-1A

Developer: Carlos and Diana Lerma

Engineer: Javier Hinojosa Engineering

Ms. De Luna went over the write-up stating the subject site is located along the west side of Don's Drive between Merlin Drive and Terrance Drive. The developer is proposing this single-family lot to be developed into two single family lots. – see plat for actual dimension, square footages, and land uses.

### **UTILITIES**

When Southwind Estates Unit II was subdivided, water and sewer services were made accessible and can be stubbed out for each lot. This replat will not affect any utility lines or the availability to connect to them upon issuance of permits. A Capital Sewer Recovery Fee will be required at \$200.00 for the new lot.

### **STREETS & STORM DRAINAGE**

This property will have access to Don's Drive. The existing storm water runoff goes at an easterly direction based on a non-developed lot. The proposed development will increase runoff to a maximum of 5.25 cubic feet per second for an increase Q of 3.94 cubic feet per second based on a 10-yr storm event. Lot 33A shall be required to detain 1,004 cubic feet and Lot 33B shall be required to detain 2,019 cubic feet. Individual detention plan shall be submitted as part of the building permit. The City Engineer has reviewed and approved the drainage report.

### **OTHER COMMENTS**

- Payment of Park fees (\$500/Lot) for the new lot
- Street lighting already exists
- Must comply with all other format findings

### **RECOMMENDATION**

Staff recommends approval subject to payment of Capital Sewer Recovery fee and Park fee and complying with all other typical format findings.

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. Hardison moved to close the public hearing. Mrs. Garza 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 replat. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:05 p.m.**  
**Ended: 6:06 p.m.**  
**Item #2.2**  
**Site Plan Approval:**

Construction of 10 Apartments  
Lot 1, Ragland Village Subdivision  
R-3  
Blue Stellar Enterprises. LLC

Ms. De Luna went over the write-up stating the subject site is located along the east side of Ragland Road approximately 530' south of E. U.S. Business Highway 83 – see vicinity map. All of the units will be rental with a front shared off-street parking area. The site is currently vacant.

This site plan will have a 10 unit – 2 story apartment building with a 19' eave height. The structure will be separated by a staircase, each section having 5 units for a total of 6 – 1 bedroom (651sq.ft.) apartments on the first floor; and 2 – 2 bedroom (913sq.ft.) and 2 – 3 bedroom (1053sq.ft.) apartments on the second floor. The building is to comply with all fire code requirements for multi-family construction.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 6' side setback per zoning ordinance, easements or greater as noted on the site plan.

The primary and only access to the site will be from Ragland Rd. Storm water will be intercepted by existing grated inlets within the parking area which will bleed into a detention pond adjacent to the east side of the subdivision. With regards to lighting and landscaping, plans have been submitted and reviewed for compliance per regulations and ordinances, respectfully.

#### **OTHER COMMENTS**

1. Enclosed dumpsters will be located along the R.O.W of Ragland Rd. to be screened with a 6' block fence with opaque (solid) gates.
2. This development requires a 5' sidewalk along Ragland Rd.

#### **RECOMMENDATION**

Staff recommends approval.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

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

**Started: 6:06 p.m.**  
**Ended: 6:06 p.m.**  
**Item #2.3**  
**Site Plan Approval:**

Construction of 10 Apartments  
Lot 2, Ragland Village Subdivision  
R-3  
Blue Stellar Enterprises. LLC

Ms. De Luna went over the write-up stating the subject site is located along the east side of Ragland Road approximately 450' south of E. U.S. Business Highway 83 – see vicinity map. All of the units will be rental with a front shared off-street parking area. The site is currently vacant.

This site plan will have a 10 unit – 2 story apartment building with a 19' eave height. The structure will be separated by a staircase, each section having 5 units for a total of 6 – 1 bedroom (651sq.ft.) apartments on the first floor; and 2 – 2 bedroom (913sq.ft.) and 2 – 3 bedroom (1053sq.ft.) apartments on the second floor. The building is to comply with all fire code requirements for multi-family construction.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 6' side setback per zoning ordinance, easements or greater as noted on the site plan.

The primary and only access to the site will be from Ragland Rd. Storm water will be intercepted by existing grated inlets within the parking area which will bleed into a detention pond adjacent to the east side of the subdivision. With regards to lighting and landscaping, plans have been submitted and reviewed for compliance per regulations and ordinances, respectfully.

#### **OTHER COMMENTS**

1. Enclosed dumpsters will be located along the R.O.W of Ragland Rd. to be screened with a 6' block fence with opaque (solid) gates.
2. This development requires a 5' sidewalk along Ragland Rd.

#### **RECOMMENDATION**

Staff recommends approval.

Chairwoman Izaguirre asked if the board had any questions.

There was none

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

**Started: 6:06 p.m.**

**Ended: 6:07 p.m.**

**Item #2.4**

**Site Plan Approval:**

Construction of 10 Apartments  
Lot 3, Ragland Village Subdivision  
R-3  
Dals Investments. LLC

Ms. De Luna went over the write-up stating the subject site is located along the east side of Ragland Road approximately 360' south of E. U.S. Business Highway 83 – see vicinity map. All of the units will be rental with a front shared off-street parking area. The site is currently vacant.

This site plan will have a 10 unit – 2 story apartment building with a 19' eave height. The structure will be separated by a staircase, each section having 5 units for a total of 6 – 1 bedroom (651sq.ft.) apartments on the first floor; and 2 – 2 bedroom (913sq.ft.) and 2 – 3

bedroom (1053sq.ft.) apartments on the second floor. The building is to comply with all fire code requirements for multi-family construction.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 6' side setback per zoning ordinance, easements or greater as noted on the site plan.

The primary and only access to the site will be from Ragland Rd. Storm water will be intercepted by existing grated inlets within the parking area which will bleed into a detention pond adjacent to the east side of the subdivision. With regards to lighting and landscaping, plans have been submitted and reviewed for compliance per regulations and ordinances, respectfully.

#### **OTHER COMMENTS**

1. Enclosed dumpsters will be located along the R.O.W of Ragland Rd. to be screened with a 6' block fence with opaque (solid) gates.
2. This development requires a 5' sidewalk along Ragland Rd.

#### **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. Villarreal moved to the approve the replat. Mr. Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:07 p.m.**

**Ended: 6:07 p.m.**

**Item #2.5**

**Site Plan Approval:**

**Construction of 10 Apartments  
Lot 4, Ragland Village Subdivision  
R-3  
Dals Investments. LLC**

Ms. De Luna went over the write-up stating the subject site is located along the east side of Ragland Road approximately 280' south of E. U.S. Business Highway 83 – see vicinity map. All of the units will be rental with a front shared off-street parking area. The site is currently vacant.

This site plan will have a 10 unit – 2 story apartment building with a 19' eave height. The structure will be separated by a staircase, each section having 5 units for a total of 6 – 1 bedroom (651sq.ft.) apartments on the first floor; and 2 – 2 bedroom (913sq.ft.) and 2 – 3 bedroom (1053sq.ft.) apartments on the second floor. The building is to comply with all fire code requirements for multi-family construction.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 6' side setback per zoning ordinance, easements or greater as noted on the site plan.

The primary and only access to the site will be from Ragland Rd. Storm water will be intercepted by existing grated inlets within the parking area which will bleed into a detention



pond adjacent to the east side of the subdivision. With regards to lighting and landscaping, plans have been submitted and reviewed for compliance per regulations and ordinances, respectfully.

#### **OTHER COMMENTS**

1. Enclosed dumpsters will be located along the R.O.W of Ragland Rd. to be screened with a 6' block fence with opaque (solid) gates.
2. This development requires a 5' sidewalk along Ragland Rd.

#### **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. Austin moved to the approve the replat. Mr. Hardison seconded the motion. Upon a vote, the motion passed unanimously.

#### **ITEM#3.0**

#### **ADJOURMENT**

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Hardison moved to adjourn the meeting. Mrs. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:06 p.m.

  
\_\_\_\_\_  
Diana Izaguirre, Chairwoman  
Planning and Zoning Commission

**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. Oralla 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. Raquene 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 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 Tapatío  
2509 Colorado Street, Ste. 208  
Lot 1, Block 2, Santa Lucia Development  
C-3  
Rincon Tapatío, 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 the 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 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. The 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 batting 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 applicant's 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**

**ADJOURNMENT**

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.



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**Diana Izaguirre, Chairwoman  
Planning and Zoning Commission**