

**PLANNING AND ZONING COMMISSION
JANUARY 22, 2014
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene A. Flores
Ned Sheats
Marisela Marin
Abiel Flores
Carlos Lopez
Mario Garza
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna
Police Chief Roberto Dominguez

GUEST PRESENT

Rosa (Mrs. Gus) Zapata
Jasen Hardison
Alejandro Espinosa
Virginia Vela
Nora Alaniz
Kelly Vela, P.E.

CALL TO ORDER

Vice-Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Vice-Chairman Sheats asked if there was any citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR JANUARY 8, 2014

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for January 8, 2014. Mr. Carlos Lopez moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:05 p.m.

ITEM #1.1

Rezoning:

**Lots 2, 3 & 4, Glenwood Subdivision
R-1 to C-3
Texas Regional Bank
c/o Michael Scaief**

Mr. Bobby Salinas went over the write-up stating that the subject site is located approximately 180' west of Shary Road along the south side of Griffin Parkway. The site measures 410' X 170.11' which equates to 69,745.1 sq.ft. or 1.60 acres.

SURROUNDING ZONES: N: C-3 - General Business
E: R-1 - Single Family Residential
W: C-1 - Office Building
S: R-1 - Single Family Residential

LAND USES: The surrounding land uses consist of commercial plazas to the north, open acreage to the west, and single family homes to the south and to the east.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation for these series of lots.

REVIEW COMMENTS: Staff does not object to the proposed re-zone to C-3 due to the following:

- The proposed C-3 request is directly consistent with the FLUM;
- The C-3 request is consistent to the surrounding land uses and zones to the north and west;
- The property has 410' of frontage along a widened Griffin Parkway (a 100' ROW State Road) as its primary access making it very appealing for commercial use.

RECOMMENDATION: Staff recommends approval.

Chairman Rene A. Flores walked in at 5:02 p.m.

At this time Vice-Chairman Ned Sheats welcomed and handed the gavel to Chairman Rene A. Flores

Chairman Rene A. Flores apologized for running late and continued with Item 1.1 by asking if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mrs. Kelly Vela from Melden & Hunt stated that they were the Engineers working with Texas Regional Bank and their office is located at 115 W. McIntyre in Edinburg. She added that the reason they were asking to rezone the property was because they wanted to build a Texas Regional Bank location and it will be centered on the west side of the property. Mrs. Vela mentioned that there was one property owner present just in case the Board had any questions.

Chairman Rene A. Flores asked if the property owner had anything to add.

Mrs. Rosa Zapata replied, "No".

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendation. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Mrs. Diana Izaguirre walked in at 5:05 p.m.

Started: 5:05 p.m.

Ended: 5:08 p.m.

ITEM #2.0

Single Lot Variance:

**N. 50' x W. 150' of Lot 78,
Mission Acres Subdivision**

**R-1
Virginia Vega**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 625' north of Barnes Street along the east side of Lee Street. The property measures 50' x 150' for a total square footage of 7,500 sq. ft. There is currently a home on the property that is in the process of being demolished and rebuilt by CDBG. Staff researched the deed records and found that the property was split in 1975.

Since the property was divided after August, 1974 (the date of adoption of the subdivision code), Ms. Vega wishes to comply with the Subdivision code by going through the Single Lot Variance process in order to obtain the necessary permits for construction of the new home.

Water: There is an existing 6" line located along the west side of Lee St., which currently serves this tract. There is a fire hydrant within 500' of this tract as required by code.

Sewer: The current is connected to an existing 8" sewer line located along the east side of Lee St. As required with all new subdivisions, a Capital Sewer Recovery will be assessed in the amount of \$200.00 (\$200/HUE) as per Ordinance No. 3022.

Streets & Drainage: The subject property has access to Lee St., an existing 50' ROW, 30' B/B street. No additional ROW is required for Lee St. at this time. Storm drainage is accomplished through on-site detention.

Other Comments:

- Park Fees are not required for this lot since the home was already in existence.
- Mission Acres has been excluded from the United Irrigation District.

Staff Recommendation: Approval subject to payment of the Capital Sewer Recovery fee.

Chairman Rene A. Flores asked if there was any input from the Board.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mrs. Virginia Vega was present to address any questions from the Board.

There being no discussion, Chairman Rene A. Flores entertained a motion. Ms. Diana Izaguirre moved to approve the single lot variance as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:23 p.m.

ITEM #3.0

Tabled Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Buffalo Wings and Rings

**907 S. Shary Road
Lot 2A, Colorado Subdivision
C-3
Alejandro Espinosa**

Chairman Rene A. Flores entertained a motion to remove the item from the Table. Mr. Ned Sheats moved to remove the item from the table. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Bobby Salinas went over the write-up stating that the 5,171 sq. ft. restaurant site is located on the NE corner of Shary Road and Colorado Street. This CUP was approved by P&Z for a period of three years on 9-22-10. Access to the restaurant is from both Shary and Colorado Street.

On 1-8-14, P&Z asked staff to clarify the number of incidents reported to Mission PD and to ensure with the Fire Marshal that there have been no violations to the occupancy at Buffalo Wings and Rings.

Staff had an opportunity to speak to the Fire Marshal to see if there were any occupancy violations. He reported to Staff that there were no violations of the occupancy limit of the restaurant. In regards to incidents reported to PD, we have requested a report of the incidents in relation to the sale of alcohol which we should have by the meeting date.

- **Hours of Operation:** Sunday – Thursday from 11 a.m. to 12 a.m. and Friday & Saturday from 11 a.m. to 2 a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Parking & Landscaping:** The 5,171 sq.ft. restaurant requires 69 parking spaces. There are 94 existing spaces, exceeding code by 25. They are also in compliance with the landscaping code.
- **Sale of Alcohol:** This restaurant does have a bar component which requires that there be no churches, schools, or residences within 300' of the restaurant. There are no such uses within 300'. Staff has also requested a report from Mission P.D. in regards to any incidents which may have occurred in relation to the sale and on-site consumption of alcohol. We should have that report by the meeting date.

Staff's Recommendation: Staff recommends approval for 3 years.

Police Chief Robert Dominguez stated that there were a total of 29 calls for service that the Police responded to in the last year for 907 S. Shary Road in which the majority of the calls were minor parking lot accidents, theft, and improperly parked vehicles. However, there were 4 calls that stood out. Chief Dominguez stated that the first one was an assault; husband and wife got into a verbal argument inside the restaurant and staff took it upon themselves to call a taxi since they arrived in a taxi so they got a little irate that staff did that and there was a physical altercation outside the restaurant. The husband and wife did get arrested and charged for assault and public intoxication. The second call was labeled as a disturbance; on that particular call there were two teenagers, a female and male, that got into a verbal argument in the back of the restaurant. Police arrived; the mother picked up the female and that was the end of that call. The third call was labeled as a fight; apparently there was a gentleman in a Dallas Cowboys jacket that apparently had some words with a female in nurse's scrubs and they were asked to leave and they left. The last call was labeled as a criminal mischief; apparently an employee

vehicle was left overnight and when she came back the next day the vehicle had a window shattered and when she called police she told them that she believed it had been a gunshot but after investigation it turns out that somebody threw an object and broke the window. Chief Dominguez stated that after reviewing all of the calls, the police supported staff recommendation. Chief Dominguez also stated that in that particular restaurant staff was well trained because they did the correct thing to try to help out but unfortunately the employee got in trouble. He mentioned that he had no problem with this particular conditional use permit.

Chairman Rene A. Flores stated that staff did the correct thing by documenting all the calls.

Mrs. Marisela Marin asked if there was anything that staff can do to help out with the parking issues because 25 calls relating to parking issues were a lot.

Chief Dominguez corrected himself by saying that not all the 25 calls were in relation to parking issues only 9 out of the 25 calls were parking lot accidents. He added that the calls were the following: 1-burglary of vehicle, 2-thefts, 4-accidents which were probably in front of the restaurant, 9-parking lot accidents, 1-suspicious circumstances, 1-ambulance call, 1-violation of a protective order, 1-lost and found, 1-improperly parked vehicle, 1- a disabled vehicle, and a message related. Chief Dominguez added that for a long time they hired Mission PD officers to work there during events. He mentioned that he didn't really know why they stop but he does know that on major events he had security there.

Chairman Rene A. Flores asked if there was any public opposition to the request.

There was no response.

Chairman Rene A. Flores asked if the applicant or representative were present.

Mr. Alejandro Espinoza who's address is 4800 N. E. Street in McAllen stated that this would be the 5th year that he is in business and they just try to cooperate with everyone. He added that he had been talking with his associates to try to fix the parking lot and wanted to put some speed bumps to prevent the people from Colorado Street to rush to avoid the traffic light.

Mr. Ned Sheats asked that the fact that he has offered to install speed bumps without the City asking for them talked very good about this restaurant but he would like for him to consider having more security.

Mr. Espinoza stated that he used to have detailed security unfortunately this had been their worst year in which he had to cut down on his expenses. He stated that they still had security on his major events, but would definitely consider Mr. Sheats request. He added that the business was known for being a secured safe and family oriented business.

Mr. Abiel Flores stated that he just didn't want for Mr. Espinosa to feel uncomfortable and not report all the incidents as done in the past.

Mr. Espinosa stated that they took their business and security very seriously and appreciated the concerns.

There being no further discussion, Chairman Rene A. Flores entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #4.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:24 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission