

**PLANNING AND ZONING COMMISSION  
NOVEMBER 13, 2013  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Marisela Marin  
Carlos Lopez  
Mario Garza  
Diana Izaguirre

**P&Z ABSENT**

Rene A. Flores  
Abiel Flores

**STAFF PRESENT**

Daniel Tijerina  
Bobby Salinas  
Susana De Luna

**GUEST PRESENT**

Joshua Alvarez  
Lisa Marie Requenez  
Alfonso Quintanilla, P.E.  
Mike Friedrichs  
Sergio Molina  
Edith Moreno

**CALL TO ORDER**

Vice-Chairman Ned Sheats called the meeting to order at 5:04 p.m.

**CITIZENS PARTICIPATION**

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

There was no response.

**APPROVAL OF MINUTES FOR OCTOBER 23, 2013**

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for October 23, 2013. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:04 p.m.**

**Ended: 5:08 p.m.**

**ITEM #1.1**

**Rezoning:**

**A 1.17 acre tract of land out of Lot 28-7,  
West Addition to Sharyland Subdivision  
R-1 to C-2  
Edith Moreno**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the SW corner of Francisco and 2 Mile Road.

**SURROUNDING ZONES:** N: AO-I and R-3 - Ag. Open Interim & Multi-Family  
E: P- Public Zone  
W: R-1 - Single Family Residential  
S: R-1 - Single Family Residential

**EXISTING LAND USES:** N: Valley Paving Inc. & a Single Family Home,  
E: Open Acreage  
W: Mims Elementary School  
S: Open Acreage

**FLUM:** The Future Land Use Map reflects a General Commercial (GC) designation.

**REVIEW COMMENTS:** This property has had a CUP for a Daycare since April 2004. The applicant wishes to re-open the daycare, however instead of going through a Conditional Use Permit, she is pursuing a change of zone to C-2.

A commercial rezoning seems reasonable due to: 1) A recently widened 2 Mile Rd.; 2) The site has a FLUM designation of GC (general commercial); 3) The site has been used as a daycare for almost 10 years. Ultimately, the highest and best long term use for this property is of a commercial nature and not residential; and 4) Daycares are a permitted use within a C-2 zone (Neighborhood Commercial). C-2 zones lend themselves to be within or near residential areas in order to serve the surrounding neighborhoods. Staff recommended approval.

Vice-Chairman Ned Sheats asked if there was any public opposition to the request.

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

There was no response.

Mr. Mario Garza asked if staff had received any response from the mail outs.

Mr. Salinas replied, "No".

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

**Started: 5:08 p.m.**

**Ended: 5:15 p.m.**

**ITEM #1.2**

**Conditional Use Permit:**

**To Place a Portable Building for the  
Sale of Sno Cones at Honey Bee Snacks  
2224 E. Business Hwy 83  
1.09 ac. out of Lot 204,  
John H. Shary Subdivision  
C-4  
Joshua Alvarez**

Mr. Bobby Salinas went over the write up stating that the subject site is located approximately 700' west of Shary Road along the south side of Business 83. There is an existing barbecue restaurant on the site (Lonestar BBQ). Access to this site is available through two driveway cuts along Business 83. On 10-11-13 – Staff issued a “Stop Work” order since the applicant had installed the 14' X 12' portable building without a permit. The portable was installed on the east side of the restaurant.

- **Hours of Operation:** Monday – Sunday from 12p.m. to 10p.m.
- **Staff:** 1 (only the applicant will run the stand)
- **Parking:** The restaurant has 84 seating spaces which require 28 parking spaces and the portable building requires 4 spaces for a total of 32 spaces needed. Upon an on-site inspection Staff attempted to count the parking spaces on the site however, the majority of the striping has faded making it very difficult to obtain the number of spaces. A re-striping of the parking lot is in order.
- Must comply with building, fire, and health codes.
- Must acquire a business license

**REVIEW COMMENTS:** Though the stand was installed without a permit, the applicant has not opened and is simply waiting for the decision by P&Z and City Council. Staff has not received any complaints regarding the stand, since it has been on the property. If P&Z decides to approve the portable building, Staff recommended the re-striping of the parking lot in order to ensure that there are sufficient spaces for both businesses as required by the Parking Code and must obtain a business license and health permit. Staff recommends approval subject to: 1) A 1 year approval in order to assess the new business; 2) Stripe 4 spaces; 3) Must comply with all Building, Fire, and Health Codes; and 4) Must acquire a new Business License.

Vice-Chairman Ned Sheats asked if there was any public opposition to the request.

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Joshua Alvarez who resides at 3401 N. McColl Road in McAllen, was present to address any questions from the Board.

Vice-Chairman Ned Sheats stated that he shared the Chairman's interest in not having too many temporary businesses on major highways but this business was better looking than most that he has seen.

Mrs. Marisela Marin asked Mr. Alvarez if he was unaware that he needed a permit to move in a portable building.

Mr. Alvarez replied, “Yes”.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Marisela Marin 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.

**Started: 5:15 p.m.**

**Ended: 5:18 p.m.**

**ITEM #2.0**

**Single Lot Variance:**

**A 1.68 acre tract of land out of Lot 28-5,  
West Addition to Sharyland Subdivision  
AO-I  
Lisa Marie Requenez**

Mr. Daniel Tijerina went over the write up stating this property is located approximately 1,000' east of Trooper along the south side of 2 Mile Road. The property measures 165.96' X 440' for a total square footage of 73,02.40 sq.ft. The property currently has a home on the property. Since the property was divided after August, 1974, Ms. Requenez wishes to comply with the Subdivision code by going through the Single Lot Variance process.

**Water:** There is an existing 12" line located along the south side of 2 Mile Rd. , which currently serves this tract.

**Sewer:** The existing home is currently being served sewer through an OSSF. The closest sewer line is over 80' from the property, which by code, is not required to connect until it becomes available to the property. The Capital Sewer Recovery will be required in the amount of \$200.00 (\$200/HUE) as per Ordinance No. 3022.

**Streets & Drainage:** The property currently does not have direct frontage to 2 Mile Rd., but does have a current lease with United Irrigation district for access through their ROW. Any future ROW dedication would have to come from UID's canal ROW. Storm drainage is accomplished through on-site detention.

**Other Comments:**

- Park Fees are not required for this lot since the home is already in existence.
- Must provide proof of exclusion from the Water District. (Letter from UID)

Staff recommended approval subject to: 1) Must pay Capital Sewer Recovery fee; and 2) Provide proof of exclusion from the water district (water rights conversion).

Vice-Chairman Ned Sheats asked if there was any input from the Board.

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mrs. Lisa Marie Requenez was present to address any questions from the Board.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the single lot variance as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 6:18 p.m.**

**Ended: 6:21 p.m.**

**ITEM #3.0**

**Preliminary & Final Plat Approval: La Homa Crossing Subdivision, Ph. II  
7.16 acre tract of land out of  
Lots 75, 78, and 79, Block 2,  
La Homa Ranch Citrus Groves Unit No. 1  
Rural ETJ  
Developer: Red Rock Real Estate  
Engineer: Quintanilla, Headley & Associates**

Mr. Daniel Tijerina went over the write up stating that the subdivision is located approximately in the SE area of La Homa and Mile 7. The subdivision consists of 9 lots for commercial use. The developer also owns the adjoining acreage to the east and has provided a master layout for future development. The commercial lots range from 28,290.6 sq. ft. to 28,458 sq.ft.

**Water:** The water CCN belongs to Sharyland Water Supply. The developer is providing water service by tapping into an existing 6" water line located along the west side of La Homa Road. There are no fire hydrants required for this Rural ETJ subdivision.

**Sewer:** Sanitary sewer service for this subdivision will be addressed by individual on-site sewage facilities (OSSF) of a standard design septic tank and drain field on each lot. Each lot exceeds the County's typical ½ acre standard where septic tanks are permitted. This area is not within the City of Mission's Sewer CCN. (NOTE: Mission sewer is 2.62 miles away).

**Streets & Storm Drainage:** The plat dedicates an additional 20' of ROW along the perimeter of La Homa Road to equate to the minimum 60' ROW from the center of La Homa; thus in compliance to MPO requisites. Drainage for the subdivision is proposed through the use of swales located along the front of each lot as permitted under County guidelines.

**Other Comments:** Comply with minor format findings. Staff recommended approval subject to meeting the Model Subdivision Rules and complying with other format findings.

Vice-Chairman Ned Sheats asked if there was any input from the Board.

There was no response.

Vice-Chairman Ned Sheats asked if the applicant or representative were present.

Mr. Alfonso Quintanilla from Quintanilla, Headley & Associates was present to address any questions from the Board.

There being no further discussion, Vice-Chairman Ned Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the subdivision plat as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0**  
**ADJOURNMENT**

There being no further items for discussion, Mrs. Marisela Marin moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:22 p.m.

---

Ned Sheats, Vice-Chairman  
Planning and Zoning Commission