

**PLANNING AND ZONING COMMISSION
OCTOBER 15, 2008
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Raul Sesin
Luann Caudle
Marisela Marin
Ned Sheats
Mario Garza
Jose Guadalupe Vela
Henry Rodriguez

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Irasema Dimas

GUEST PRESENT

Arturo Casanova
Norma Casanova
Elizar Licea
Juan C. De La Garza
Rebecca Regalado
Arminda Mares
Eric Cardenas
Nick Galindo
Irvin Spence
Karen J. Spence

CALL TO ORDER

Chairman Sesin called the meeting to order at 5:11p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR SEPTEMBER 17, 2008

Chairman Sesin asked if there were any corrections to the minutes. There being no corrections, Mr. Sheats moved to approve the minutes as presented. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:13 p.m.

Item# 1.1

Rezoning:

**S. 163.5' of the W. 1332.5' (4.92 Acres)
of Lot 26-1, West Addition to Sharyland
R-1 to AO-I
Juan Carlos De La Garza**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located ¼ north of Griffin Parkway (FM 495) along the east side of Inspiration Road. The surrounding zonings include Mobile Modular Home (R-4) to the north, and Agricultural Open Interim (AO-I) to all other directions. The previous owner rezoned the 5 Acres to Single Family Residential (R-1) with intentions of subdividing, but did not pursue that development. Mr. De La Garza, the new owner, is requesting that these 5 acres be

rezoned to their original AO-I zoning since he has no development intent until several years from now, although he may have a temporary use for it which, if pursued, will activate the CUP public hearing cycle. Overall, the AO-I proposal merely restores and reflects its current 'open' use. Staff recommended approval.

Chairman Sesin asked if there was any public opposition to the request.

There was none.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

There being no discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the rezoning as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:13 p.m.

Ended: 5:19 p.m.

Item# 1.2

Conditional Use Permit:

**Portable Building for the Sale of
Sno-Cones & Snacks**

1234 E. Business Highway 83

**Being a tract 125.06' x 125' S. Hwy 83,
Lot 20-11, West Addition to Sharyland
C-3**

Life of Use

Sabas Sandoval

Mr. Acevedo went over the write-up stating that the request proposed to the board was to consider permitting the sale of sno-cones/snacks from a 12' x 12' stand located at the above mentioned address.

He proceeded stating that the applicant proposed to have 2 employees. There were 12 existing parking spaces held in common available immediately adjacent to the proposed structure and only two employees would be running the business. Restroom facilities were accessible at the abutting businesses, which are also owned by the applicant; the hours of accessibility will coincide with the stand's operating hours. The proposed days and hours of operation are Monday through Saturday from 9:00 a.m. to 7:00 p.m.

He stated that in viewing the site plan, the structure being proposed would face Business Highway 83, aligned with the existing structures. The required setbacks have been met at this location with a 40' setback to the front, 64' to the rear and 25' to the west, and 24.7' to the east. This portable building had been granted a CUP for the sale of snacks

and sno cones at this location on August 13, 2003 and again on July 27, 2005. Although similar portable stands have been here before, annual re-evaluations should be the norm when factoring in the inevitable use of the old Fontana site whereby a more aesthetic atmosphere will be promoted. Staff recommended approval subject to: **1)** re-evaluating in 1 year, **2)** obtaining a separate electrical service, **3)** additional landscaping to deflect from the building's inherent status, **4)** acquisition of a business license, and **5)** compliance to sign ordinance.

Chairman Sesin asked if there was any public opposition to the request.

Mr. Irvin Spence from Lot 4, Tropical Valley Acres mentioned that he had been complaining to the City about the trash behind the commercial building for some time ago and that it has created vermin and has come to the point that they're crawling up to his property. He asked if that could be addressed.

Chairman Sesin replied that it could definitely be addressed.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

Mr. Garza mentioned that he would like to include the maintenance of the property as one of the conditions before they release the business license.

Chairman Sesin entertained a motion. Mrs. Caudle moved to approve the conditional use permit subject to staff's recommendation and with the condition that the area behind the commercial building be cleaned and maintained cleaned before the issuance of the business license. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:19 p.m.

Ended: 5:27 p.m.

Item# 1.3

Conditional Use Permit:

**Drive-thru Service Window
2502 W. Business Highway 83
Lots 131 & 132, Ala Blanca #4 Subd.
C-3
Life of Use
Reynaldo Diaz**

Mr. Acevedo went over the write-up stating that the subject site was located at the NW corner of Paisano Street and Business Highway 83. The drive-thru window is on the west side of the building where a driveway approach is through an existing driveway cut from Paisano Street. To exit, one would either go out onto a mutual 45' cut onto

Business Highway 83 (as shown by their Project Engineer, David Salinas) or back onto Paisano. Viewing the site plan there is enough room to accommodate 1 vehicle at the service window and stacking for 3 additional vehicles. The hours of operation for this establishment would be: Monday through Sunday from 7:00 a.m. to 11:00 p.m. Mr. Diaz currently has a total of nine employees at his convenience store.

Staff recommended approval subject to: **1)** striping of directional arrows for the drive thru service lane, **2)** installation of a speed bump so existing vehicles would slow down to see potential pedestrian conflict, and **3)** 1 year re-evaluation to assess any traffic issues that may arise from this CUP.

Chairman Sesin asked if there was any public opposition to the request.

There was no response.

Chairman Sesin asked if the applicant or representative were present.

There was no response.

Chairman Sesin asked if the applicant was complying with the landscaping ordinance.

Mr. Acevedo replied that the applicant has a total of 3 lots and in between the 3 lots he has a median with a couple of trees.

Chairman Sesin stated that what he was asking was if the applicant was complying or not.

Mr. Zavala replied that at this point the applicant was not complying with code.

Chairman Sesin mentioned that he would like to make sure that the applicant complies with code and that he would like to make that recommendation.

Mr. Zavala mentioned that one of the houses on the aerial had been removed and some of the landscaping as well. He stated that the landscaping would have to be replaced.

Mrs. Caudle asked if the only way to get to the drive-thru window was going through Paisano Street.

Mr. Zavala replied that depending on the situation the customer could drive out to Business HWY 83 or to Paisano.

Mrs. Caudle asked if the parking spaces along Paisano Street met code because based on the picture and site plan it looked like they were right against the curb.

Mr. Zavala replied that the parking spaces were on the right of way.

Mrs. Caudle asked if they have sufficient parking that met code even if that area was on the right of way.

Mr. Zavala replied that when the store was built it was outside city limits.

Mrs. Caudle asked if it was grandfather in.

Mr. Zavala replied that there have been several areas where they have seen this same scenario and one of them was Pizza Hut on Business HWY 83.

Mr. Sheats asked how old was the aerial picture on the overhead.

Mr. Zavala replied that it was taken probably in November 2007.

Mr. Sheats replied that the reason that he asked was because on the recent pictures that were included in the write up it showed that the applicant had removed the buffering on the north side of the property.

Mr. Zavala replied that they would need to meet code in that regard if needed.

After a brief discussion, Chairman Sestin entertained a motion. Mr. Sheats moved to approve the conditional use permit subject to staff's recommendation, including amending the detention plan showing on-site detention (not in TXDOT's ROW), providing buffering if necessary to the north side of the property, and providing a landscaping plan. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:27 p.m.

Ended: 5:34 p.m.

Item# 1.4

Conditional Use Permit:

**Drive-thru Convenience Store
210 N. Conway
Lot 4, Block 50,
Mission Original Townsite
C-3
Life of Use
Andres Adame**

Mr. Acevedo went over the write-up stating that this CUP was originally approved on 6/27/07 and needs renewal consideration since the operation was not been completed within one year.

The property was located approximately 100' north of 2nd Street on the East side of Conway Ave. The applicant's proposal was to construct a 38' x 50' drive-thru convenience store. The lot's dimensions were 50' x 145' or 7,250 square feet total. The hours of operation will be Sunday through Friday from 10:00 a.m. to 12:00 a.m. and Saturday from 10:00 a.m. to 1:00 a.m. There would be two full-time employees. Patrons would predominantly use the drive-thru; however, typical parking is also available.

Viewing the site plan, a total of 5 parking spaces are proposed where 5 are required. Traffic would enter off of Conway Ave. and park within the spaces provided in the front of the building or go into the drive-thru lane – two cars could utilize the lane at one time. Traffic that goes through the drive-thru would exit into the paved alley.

The minimum landscaping required is 5% of the total lot size with a combination of trees, plants, shrubs, and grass. Based on the applicant's calculations, the landscaping code would be exceeded. Only one ground pole sign would be permitted. Staff notes that the site plan does not depict any fencing. Finally, there is an existing gas meter located at the NE corner of the property. If approved, this meter will likely need to be relocated or bollards installed. On January 11, 2006 P&Z approved a similar request at 509 N. Conway for Pronto Insurance.

Staff recommended approval subject to compliance with the following conditions: **1)** directional arrows/signage installed within the drive-thru lane, **2)** compliance with landscape code, **3)** acquisition of a Business License, **4)** compliance with sign ordinance, **5)** transferability to others, and **6)** a buffer along the southern western boundary of the lot.

Chairman Sesin asked if there was any public opposition to the request.

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mrs. Rebecca Regalado, representing the applicant was present to answer any questions regarding the sale of alcohol. She stated that the applicant was not able to attend the meeting.

The Board suggested that a speed bump be provided to maximize protection to passerby and the residence to the east.

After a brief discussion, Chairman Sesin entertained a motion. Mr. Vela moved to approve the conditional use permit subject to staff's recommendation. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:58 p.m.

Item# 1.5

Conditional Use Permit:

**Portable Building for "Office Use"
1117 S. Shary Road
Lot 1, McManus Subdivision
C-3
1 Year
Elizar Licea**

Mr. Acevedo went over the write-up stating that the request before the board was to consider the continuation of a CUP for a portable building being used as an office for a car wash at the above location. This existing 24' x 68' portable building had been used as an office since 1994 by Cimarron Realty and most recently by a used car sales operation. Mr. Licea desires to have the following as his days/hours of operation: Tuesday through Saturday from 9:00 a.m. to 5:00 p.m. and Sundays from 9:00 a.m. to 3:00 p.m. A total of 3 part time employees will be working at this location. Shin Foundation Inc., owner of Lot 1, McManus Subdivision, has authorized Mr. Licea the use of the portable building on the premises if approved by P&Z. The portable building sits along the easternmost property line over 100' from Shary Road. The applicant has a 47' x 20' section of asphalt where he washed automobiles, and includes a parking area that exceeds code 18 parking spaces. Staff recommended approval for 1 year.

Chairman Sesin asked if there was any public opposition to the request.

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mr. Elizar Licea was present to answer any questions.

Mrs. Marin asked Mr. Licea if the carwash was only to wash the vehicles for the auto sales or if it was going to be open for the public.

Mr. Licea replied that he has been asked by customers if they wash vehicles also. He stated that is the reason why he wants to open the car wash business for the public.

There being no further discussion, Chairman Sesin entertained a motion. Mrs. Caudle moved to approve the conditional use permit subject to staff's recommendation. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:38 p.m.

Ended: 5:58 p.m.

Item # 1.6

Conditional Use Permit Renewal:

**Sale for On-Site Consumption
of Alcoholic Beverages
1900 W. Griffin Parkway
Lots 4 & 5, Inspiration Point Ph. I
C-3
Life of Use
~~Juancho's Mexican Restaurant~~
Juancho's Bar & Grill / NightClub**

Mr. Zavala briefed over the write up stating that viewing the vicinity map, the site 750' west of Inspiration Road along the north side of Griffin Parkway. In October 2007, a CUP was approved for Juancho's Mexican Restaurant - - the proposal before you includes keeping the literal expansion of the restaurant to a Bar use. The 'bar' feature was not proposed last year and was thus not approved; the existing bar use was done unilaterally by the owner; thus, now desires that it be retained. Below please find the summary of last year's proposal and the subject proposal now before you:

APPROVED 2007

- Mexican Restaurant only
- Sale of beer/alcohol w/meals
- Days/Hrs: 8a.m.-midnight
- 3253 sq. ft. of building area
- Site: Lot 5, Inspiration Point Ph. I
- 80 seats approved being 12 tables that seat 4 & 4 tables that seat 8
- typical restaurant's open seating
- Music: none disclosed

PROPOSED 2008

- Mexican Restaurant and Bar
- sale of beer/alcohol w/meals but after 10 p.m., only alcohol sold
- Everyday from 11am – 2am
- 4860 sq. ft. of building area
- Lots 4 & 5, Inspiration Point Ph. I
- 164 seats proposed being 25 tables that seat 144 + 20 seats at bar
- \$50 table reservation deposit-option
- Music: Thrus: Karaoke
Friday & Sat: Live Music

In review of the city's response records to Juancho's, we can almost discern when the conversion took place because there were no public safety responses made thru February 2008. However, from March until Sept. 2008, there have been 8 calls made to the Police Department and 4 contacts made by the Fire Marshal's Office. Planning's civic responsibility is to disclose this summary to you as a reviewing member of a city board:

Police Department Calls:

March 28, 2008 Intoxicated male causing problems; charged w/public intoxication
May 17, 2008 Female subject called of harassment from ex-husband
May 18, 2008 3-4 fighting in parking lot; arrest made for assault
May 31, 2008 Arrested female for Public Intoxication; vomit 2x in PD car
July 25, 2008 Shots fired in exterior area; .38 casing found
Aug. 22, 2008 Assisted Fire Dept. to enforce max occupancy violation; male Patron
Arrested for public intoxication
Sept. 15, 2008 Responded to argument between 2 female subjects
Sept. 20, 2008 2 females assaulting each other

Fire Department Calls:

July 4, 2008 Verbally directed management to keep occupancy at 150
July 25, 2008 Written warning given on exceeding max occupancy
& emergency exit was blocked
Aug. 22, 2008 Citation given on exit paths being blocked
Aug. 22, 2008 Citation given on exceeding max occupancy

Applicable Codes:

Section 1.56-3a, Zoning Ordinance

'The property line of a ...bar, dancehall, nightclub, especially those which have late hours must be at least 300' from the nearest residence, church, school, public property or must provide sufficient buffering and sound insulation that the sounds cannot be heard, and designed to prevent disruption of the character of adjacent residential areas'. In review the vicinity map (with 300' radius), there are 19 single-family residences.

Section 1.56-3g, Zoning Ordinance

The (bar, dancehall, nightclub, etc.,) shall restrict the number of persons within the building to those allowed by the Planning and Zoning Commission at the time of permit issuance, after having taken into account the recommendations of the Fire Marshal, Chief Building Inspect, and Director of Planning. This number cannot exceed the number provided for in existing city ordinances.

Section 42-232 Playing radio and other musical instruments

The playing of any radio, phonograph or other musical instrument in such a manner or with such volume, particularly during the hours between 10 pm and 7am, as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence shall be deemed a violation of this article.

Sec. 42-233 Loudspeakers

The use of any stationary loudspeaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loudspeaker or amplifier operated on any weekday between the hours of

10:30 p.m. and 7:00 a.m., or at any time on Sunday shall be deemed a violation of this article.

In Planning's assessment of any such CUP, we typically ask 'what have we done in the past to similar others?' In review of CUP's that are bars, or have bar areas, and that are near or adjoining residential areas (minus the Conway are), the following was discovered:

1999	Hotties Bar & Grill (waive 300' separation...closed)
2001	Chango Jerry's Bar & Grill (sound buffering, Noise Ord., meet Fire Marshal's requirements, Waive 300' separation... closed)
2002	La Tejana Steak House (expansion: waive 300' separation, meet Fire Marshal's requirement on capacity, no live music past 7:30 p.m.; No kids' Parties in exterior past 7:30 p.m... due to adjoining retirement neighborhood- closed)
2007	Traditions (waive 300', beer & wine sales only, 1 year to assess...closed)
2007	Smokin Aces (waive 300' separation, perpetual annual re-evaluations, meet Noise Code, maintain on-site security during weekends til ½ hr past closing, add security lighting, perimeter 6' wood fencing...open)
2008	Shotz Bar & Grill (waive 300', 1 year re-evaluation, hrs til Midnight...open)

When faced with similar situations where there is a bar proposed across an alley to residential areas (or apts in the case of Smoking Aces), the City has consistently been flexible in allowing such operations to operate BUT with conditions. In that regard, codes that could be imposed include the Fire Marshal's max occupancy being abided by (have staff-counter at door), on-site security till ½ hr past closing, noise code compliance, perpetual annual re-evaluation, lower hours of operation, etc.

In this case, the owners and/or management need to realize the importance of respecting Mission's public safety codes such as not exceeding the maximum occupancy level, not blocking exits, and being as responsible as possible in not over-serving patrons. With this statement firmly given, Planning's first inclination is to revert back to the Mexican Restaurant with such beverages sold only with meals; however, in light of our previous actions, Planning will not object to giving them a closely monitored opportunity to favor the request subject to the following:

1. waive 300' separation that such uses are to be from residential areas.
2. Must comply with maximum occupancy levels by having a 'counter' count patrons & display the maximum number in a conspicuous area & subject to random inspections.
3. hours to close at midnight Mon-Thurs.... (if compliance is evident, expansion ca be considered)
4. perpetually have on-site security when open til ½ hr past closing.

5. comply with prevailing Noise Code as cited above.
6. perpetual annual re-evaluation of CUP with documentation of response calls.

Chairman Sesin asked if there was any public opposition to this request.

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mrs. Arminda Mares representing the applicant was present to answer any questions.

Chairman Sesin asked Mrs. Mares when was the restaurant converted into a bar.

Mrs. Mares replied that it was proposed from the beginning when she applied for a building permit. She said that she was asked to provide a menu and she submitted one from the previous restaurant that Mr. Hilario Barrera had and advised staff that the restaurant was temporary. She mentioned that after that she applied for the beer & wine license.

Chairman Sesin asked if it was presented as a bar from the beginning, because based on the pictures it looked more like a nightclub, since there wasn't any people eating in the picture nor sitting down and to him it looked more like a nightclub than a bar.

Mrs. Mares replied that it was presented only as a bar.

Chairman Sesin asked when was it converted from a bar to a nightclub?

Mrs. Mares replied that it was on the permit when she submitted for the addition but it was going to be more like a Karaoke or something like that, but the people started dancing.

Chairman Sesin stated that based on what Mrs. Mares said it was converted into a nightclub when she obtained the permit for the addition.

Mrs. Mares replied 'no, because it was under construction'. She stated that they had no idea that it was going to be like that.

Chairman Sesin stated that in his opinion the list of all the negative things happening at this location was not something that the city should be promoting.

Mrs. Marin stated that maybe the applicant's intention was to start as a restaurant and have a bar, but what happened was that it became a nightclub. She stated that in her opinion the city and the community were not ready to handle something like this without the proper management.

Mrs. Marin mentioned that however the applicant wanted to call it Mexican Bar & Grill or Mexican Restaurant, based on the photographs and renting the tables, to the board members it's a nightclub.

Mrs. Mares stated that since the Fire Department brought to their attention the maximum capacity, they started counting the people, and have provided security.

Mrs. Marin replied that it was beyond that; she stated that nightclubs had more restrictions, the manager had to be more aware of everything that a nightclub can do and can't do. She mentioned that maybe the applicant was finding out that it was above and beyond of what he had intend it to be, and it seemed like he was not ready for it.

Mr. Rodriguez asked if a band plays there.

Mrs. Mares replied 'Yes, they play Fridays & Saturdays and before them it was a trio'.

Chairman Sesin mentioned that in his opinion he was not opposing to approve the restaurant only, but deny the bar component.

Mr. Sheats asked staff at what point did they found out that there were 12 calls on this location.

Mr. Zavala replied that staff was informed about late summer and being that their renewal was coming up, staff asked Fire & Police Department for their records on the location.

After a brief discussion, Chairman Sesin entertained a motion. Mr. Sheats moved to deny the conditional use permit. Mr. seconded the motion. Upon a vote, the motion to passed unanimously.

Started: 5:58 p.m.

Ended: 6:01 p.m.

Item# 1.8

Conditional Use Permit Renewal:

"Daycare Center in a Residential Zone"

2012 N. Inspiration Road

A 1 acre tract of land out of Lot 24-1

West Addition to Sharyland

R-1

Life of Use

Arturo & Norma Casanova

Mr. Acevedo briefed over the write up stating that this daycare has been in operation since June 2001. Originally it started as a CUP for a home occupation and most recently it was approved by City Council (for 1 year) on September 10, 2007 as a Home Occupation wherein no one will reside. Section 1.56-1g states: The planning & zoning commission may, under extenuating or special circumstances unique to the home occupation, recommend waiver of this provision on a temporary or permanent basis to the city council who shall have, the ultimate authority on the matter. With regards to proposed variances to subsections 1/56(a), (d), and/or (f), a minimum of 90 percent of the property owners within the 200' mail out radius shall provide written support or the proposed home occupation variance. The applicant is now requesting that this CUP be granted for life of use rather than having a re-evaluation clause. Staff proposed a 3-year tenure to keep monitoring the land use changes in the area that may induce a transitioning out one day.

The subject site is approximately ¼ mile south of Griffin Parkway (FM 495) along the east side of Inspiration Road. The daycare has a total of 2,500 sq.ft. of livable area with a total of seven rooms and 1 kitchen for the desired use. As far as parking, there are a total of 10 parking spaces for staff and customers as well. The applicant desires to continue to care for 50 children with a staff of 10. The days and hours of operation are Monday through Friday from 6:30 a.m. to 7:30 p.m. and Saturday from 8:00 a.m. to 5:00 p.m. All DHS licenses and City requirements have been complied with. Additionally, the applicant has again collected over 90% of the required signatures. There have been no recorded complaints filed to the City on this operation. Staff recommended approval subject to: **1)** continue to comply with all applicable state and federal requirements for the proposed use, which includes DHS certification, and **2)** 3 year re-evaluation to assess land use changes.

Chairman Sesin asked if there was any public opposition to the request.

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mr. Casanova stated that he had been complying with all the requirements from the city and the state and that his business has grown up to a point that he just recently bought 2 vehicles for the transportation of the children.

There being no discussion, Chairman Sesin entertained a motion. Mr. Garza moved to approve the conditional use permit as per staff's recommendation. Mr. Rodriguez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 6:01 p.m.

Ended: 6:02 p.m.

Item# 1.8

Conditional Use Permit Renewal:

**'Sale and On-Site Consumption of
Alcoholic Beverages' at the
Wing-Stop Restaurant
301 W. Griffin Parkway, Suite 6
Lot 1B, Mission Park Plaza Subd.
C-3
Life of Use
Wing-Stop**

Mr. Acevedo briefed over the write up stating that this CUP was originally approved on 9/26/07 and needs renewal consideration. The subject site is located approximately 750' west of Conway along the south side of Griffin Parkway (FM 495) within an existing commercial complex, that has 10 lease spaces, located on the above described property. The Wing Stop is a family friendly restaurant that sells a different variety of wings (different flavors), French fries, dips and sauces, rolls, etc. It was reported to Staff that the sale of alcohol at this restaurant constitutes only 4-6% of their gross sales.

The existing hours of operation are 7 days a week from 11 a.m. to 12 midnight with a total of 13-17 employees. The restaurant consists of 2,000 sq. ft. of floor area. There are 5 tables that seat 4, 2 tables that seat 6, and 9 tables that seat 2 people for a total of 16 tables and 50 seats.

The parking required for a restaurant is one space for every three seats or one space for every 75 sq. ft., whichever is greater. Based on this formula, a total of 17 parking spaces are required for this establishment. The total number of parking spaces held in common at this development is 78 where 72 are required, thereby exceeding code by 6. It is noted that no other restaurants would be permitted hereafter, because the parking will not be sufficient thereafter.

A site visit revealed that the Baptist Church at the SW corner of Conway and Griffin Parkway is 965' east of the proposed restaurant (measured door to door). Also, there is a Child Day Care operation along the north side of Griffin Parkway 860' away from the proposed restaurant. After a year in operation there have been no reports from Fire and P.D. regarding this operation. Staff recommended approval for 3 years in which a re-evaluation will occur.

Chairman Sesin asked if there was any public opposition to this request.

There was none.

Chairman Sesin asked if the applicant or representative were present.

Mr. Eric Cardenas was present to answer any questions.

There being no further discussion, Chairman Segin entertained a motion. Mr. Vela moved to approve the conditional use permit as recommended by staff. Mr. Rodriguez seconded the motion. Upon a vote, the motion to passed unanimously.

Started: 6:02 p.m.

Ended: 6:05 p.m.

Item # 2.0

**Tabled Single Lot Variance: 0.718 Acre out of the
West 12 Acres, Lot 296
John H. Shary Subdivision
AO-I
Nick Galindo**

Chairman Segin entertained a motion to remove the item from the 'Table'. Mr. Garza moved to remove the item from the 'Table'. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Zavala went over the write up stating that the original owner (Johnson) sold tracts by metes and bounds over 20 years ago when still in the County and in our ETJ. At this time, there was no partnership with the County in securing Certificates of Compliance as an added measure to keep a 'check' on tracts that needed to be platted. As you may see in the aerial, there are numerous homes built in this colonia. Planning had met with the owners about 3-4 times in the past 10 years but there has been no real organization of resources to provide a cooperative plat. We are very aware that the majority of the owners still desire to keep their access road 'private'. When Summers Estates platted not long ago, they secured a lot of the easements and extended water and sewer to a large portion of the area (where some have connected already to sewer). However, the northern portions are still on septic. The former Public Works Director made a commitment some time ago that if easements were secured, that the City could assist especially when seeing that the area has been annexed for 10.5 years. In conferring with the current PW Director and Management, they have echoed the commitment to assist these owners.

With the above being said, we have conferred with Mr. Galindo on the viable terms of a SLV and have amicably agreed to the following:

1. Dedicate an additional 5' utility easement
2. Pay the Capital Sewer Recovery fee
3. Water District Exclusion
4. Escrowing his frontage of sewer line
5. Escrowing his frontage of water line and hydrant.

Mr. Zavala stated that Mr. Galindo had provided the City with the fees associated as cited above.

Chairman Sestin asked if there were any comments from the board. There being none, he entertained a motion. Mrs. Caudle moved to approve the single lot variance as presented by staff. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously.

3.0 OTHER BUSINESS

4.0 ADJOURNMENT

There being no further items for discussion, Mr. Vela moved to adjourn. Mrs. Caudle seconded the motion. Upon a unanimous vote, the meeting adjourned at 6:05 p.m.

Raul Sestin, P.E., Chairman
Planning and Zoning Commission