

**PLANNING AND ZONING COMMISSION
NOVEMBER 18, 2009
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Jose G. Vela
Marisela Marin
Mario Garza

P&Z ABSENT

Raul Sesin
Luann Caudle
Henry Rodriguez

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Jaime Acevedo
Susana De Luna

GUEST PRESENT

Fernando J. & Nora Arguelles
Reyna Lopez
Hermelinda G. de Salazar
Cesar Faz
Maxi Lou Link
Reynaldo Diaz
Javier Ramon
Angelica Flores
Robert L. Rivera

CALL TO ORDER

Vice-Chairman Ned Sheats called the meeting to order at 5:10 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR OCTOBER 28, 2009

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

Mr. Zavala stated that in order to facilitate the agenda and with there being several conditional use permits that appeared to be non-controversial and where the city's codes were fully being complied with, staff requested that the P&Z Commission consider a consent agenda on several items. He added that on this matter he would read the items (Items #1.1, 1.2, 1.3, 1.4, 1.5, 1.6, & 2.1), their location, their intent, and staff recommendation on each. Thereafter, the Vice-Chairman would ask if there was any public input on any of the conditional use permits. After public comments, the Vice-Chairman would ask the P&Z members if they had any specific questions or comments on any of the conditional use permits. After the question & answer dialogue, staff would likely recommend that P&Z approve the conditional use permits subject to staff's recommendations.

Started: 5:11 p.m.

Ended: 5:27 p.m.

Item# 1.1

**Conditional Use Permit: Home Occupation – Licensed Child Care Home
4203 San Roman
Lot 104, Paseo Lindo Phase II Subdivision
PUD
Life of Use
Nora Arguelles**

Mr. Zavala went over the write up stating that the subject site is along the north side of San Roman between Santa Laura and Santa Teresa. A field visit revealed that there is a driveway off of San Roman leading to a two car garage with perimeter public sidewalks. This driveway will be used to safely drop-off & pick-up children. There is also an existing 6' wood fence buffer surrounding the rear of the residence to maximize protection of the children & muffle their incidentals sounds.

The applicant has been residing (via rental residency) at 3801 San Roman & operating the Flores day-care operation (as approved by P&Z). However, once Mrs. Arguelles moved to her new home at 4203 San Roman and if this CUP is approved, Planning will confirm with the Flores' that no violation remains at 3801 San Roman.

- Days/hours of operation: Friday from 8:00 a.m. to 3:00 p.m.
- Staff: herself & 1 other adult
- Care for maximum of 12 children (via DHS)
- DHS certification already evident (but need address updating tot his new site)
- Any signage would have to be 1' x 1'
- Must comply with Sec. 1.56-1, Zoning Code (home occupations regulations).
- A petition favoring her CUP has been filed

Staff recommended approval subject to: **1)** 1 year re-evaluation to access this new operation, **2)** DHS certification, **3)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **4)** the acquisition of a business license.

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

There was no response.

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

The applicant, Mrs. Nora Arguelles was present to address any questions that the Board might have.

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

Started: 5:13 p.m.

Ended: 5:27 p.m.

Item # 1.2

**Conditional Use Permit: Home Occupation – Registered Home Daycare
1801 Gladiola Drive
Lot 201, Southern Oaks Phase III Subd.
R-1
Life of Use
Reyna Lopez**

Mr. Zavala went over the write-up stating that the subject site is along the north side of Gladiola Street between Jacob Street and Inspiration Road. A conditional use permit had previously been awarded to the applicant on February 22, 2006. Since the conditional use permit was not renewed, a new conditional use permit must be considered.

The applicant has her SF residence thereon with paved driveway access off of Gladiola Street. A field visit revealed that there is a driveway off of Gladiola leading to a two car garage. This driveway can be utilized to safely drop-off and pick-up children at the site and as off-street parking for the applicant. There is a sidewalk also leading from Gladiola Street to the home's front door. There is also a 6' wood fence buffer surrounding the residence. Mrs. Lopez has the following as her days/hours of operation: Monday – Friday from 7:30 a.m. to 5:00 p.m. with herself as the only employee. Of course, if approved, DHS certification will be mandated as we have imposed to others. Any signage would also have to comply with the requirements of Section 1.56-1 of the Zoning Ordinance regulating home occupations.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess this new operation, **2)** DHS certification, **3)** comply with Sect. 1.56-1 of the Zoning Ordinance, and **4)** acquire a business license.

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

There was no response.

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

The applicant, Mrs. Reyna Lopez was present to answer any questions from the board.

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

Started: 5:14 p.m.

Ended: 5:27 p.m.

Item # 1.3

**Conditional Use Permit: Home Occupation – Two-Chair Beauty Salon
804 W. 24th Place
Lot 74, Chaparral Heights Subdivision
R-1
Life of Use
Hermelinda G. De Salazar**

Mr. Zavala went over the write up stating that the subject site is located between Holland Avenue and Gold Avenue along the north side of 24th Place. The applicant has her 1,064 sq. ft. single family residence thereon with paved driveway access off of 24th Place. A field visit revealed that there is a 12' wide driveway leading to a single vehicle car-port. If the proposed beauty salon with 2 chairs is approved, she will enclose the carport. The effect of this expansion will be one reduced off-street parking space. The applicant is proposing to expand her driveway by 11' x 36' to accommodate 2 additional vehicles or a total of 3 off-street parking spaces as shown on the site plan. The applicant will have the capability to service a maximum of 2 clients at a time. Mrs. Salazar will operate strictly by appointment only through friends, acquaintances, and 'word of mouth'. Walk-in's' will not be encouraged. The following are her proposed days/hours of operation: Monday – Friday from 10:00 a.m. to 7:00 p.m. with herself as the only employee. Staff recommends approval subject to: **1)** expanding driveway prior to business license issuance, **2)** meet Section 1.56-1, being the general home occupation regulations, **3)** acquisition of a business license, and **4)** 1 year re-evaluation after license issued to assess this new operation.

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

There was no response.

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

The applicant, Mrs. Hermelinda G. De Salazar was present to address any questions that the Board might have.

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

Started: 5:15 p.m.

Ended: 5:27 p.m.

Item # 1.4

**Conditional Use Permit: Portable Building for "Office Use" and
Site Plan Review of Canopy's Along Shary
1117 S. Shary Road
Lot 1, McManus Subdivision
C-3
Life of Use
Cesar Faz**

Mr. Zavala went over the write-up stating that the request before the Board was to consider the continuation of a conditional use permit for a portable building being used as an office for a carwash and now a proposed BBQ pick up operation. The existing 24' x 59' portable building had been used as an office since 1994 by Cimarron Realty and most recently by a used car sales and carwash/detailing operation. Mr. Faz desires to expand on his operation and have a BBQ delivery/pick up business at the same location. Mr. Faz is proposing the following as his days and hours of operation: Monday through Saturday from 10:00 a.m. to 11:00 p.m. The BBQ operation will have a total of 4 part time employees working at this location. Shin Foundation Inc., owners of Lot 1 McManus Subdivision, has authorized Mr. Faz the use of the portable building on the premises if approved by the P&Z. The portable building sits along the easternmost property line over 100' from Shary Road. The applicant is proposing to use a rear canopy area to cook his BBQ. Mission Health Inspector Noel Barrera has alerted Mr. Faz of what will be required for his proposed operation. Mission Fire Marshal Gilbert Sanchez has also alerted Mr. Faz that he will need to vent the smoke 2-3 feet beyond the existing canopy and that a fire extinguisher will need to be present at all times. Mr. Faz is receptive to all of the conditions set forth by both the Health and Fire Departments. With regards to parking, there are a total of 18 parking spaces for the existing carwash and the proposed BBQ operation. For two businesses of this size code requires 10 parking spaces, 5 for each business, therefore exceeding code by 8. Staff recommended approval subject to: 1) acquisition of a business license, 2) strictly pickup (no eating area), 3) 6 month re-evaluation, 4) compliance with Sign Ordinance, and 5) meeting all Health and Fire requirements.

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

There was no response.

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

The applicant, Mr. Cesar Faz was present to address any questions that the Board might have.

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

Started: 5:18 p.m.

Ended: 5:27 p.m.

Item # 1.5

**Conditional Use Permit: The Complimentary Offering of Alcoholic Beverages for On-Site Consumption for a Social and/or Cultural Event on a Monthly Basis
921 E. 12th Street
Lot 1, Mission Library Subdivision
R-2
Upper Valley Art League**

Mr. Zavala briefed over the write-up stating that the site is located just east of the Mission Library where paved parking is held in common. Ordinance #3436 permits civic organizations to request such CUP's from city-owned buildings where complimentary alcoholic drinks will be offered (not sold) during a social/cultural event. The Upper Valley Art League is requesting that the City consider issuing a conditional use permit for their proposed monthly cultural/social events that would promote their artwork. During such events, wine will be available (complimentary). The Upper Valley Art League will be watchful of how much the patrons are served. Staff recommended approval subject to renewal in one year.

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

There was no response.

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

The applicant, Mrs. Maxi Lou Link and Robert Rivera were present to address any questions that the Board might have.

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

Started: 5:19 p.m.

Ended: 5:27 p.m.

Item # 1.6

**Renewal Conditional Use Permit: Drive-Thru Service Window
At t-Rey's Convenience Store
2502 W. Business Highway 83
Lots 131-132, Ala Blanca #4 Subdivision
C-3
Life of Use
Reynaldo Diaz**

Mr. Zavala went over the write up stating that the conditional use permit was originally approved on 10/15/08 and needed renewal consideration. The subject site is 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 the driveway approach is via an existing driveway cut from Paisano Street. To exit, one either goes out onto a mutual 45' cut onto Business Highway 83 (as shown by their Project Engineer, David Salinas) or back onto Paisano. In reviewing the site plan, there is enough room to accommodate one vehicle at the service window and enough stacking for three additional vehicles. The hours of operation for this establishment are: 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. After the first year in operation, staff has not received any complaints or traffic issues for this drive-thru window. The applicant did install directional arrows and a speed bump. Staff recommended approval for life of use.

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

There was no response.

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

The applicant, Mr. Reynaldo Diaz was present to address any questions that the Board might have.

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

Started: 5:28 p.m.

Ended: 5:29 p.m.

Item # 2.1

Single Lot Variance:

**A 1.35 ac. tract of land out of Lot 31-3
West Addition to Sharyland Subdivision
AO-I
Javier Ramon**

Mr. Zavala went over the write up stating that the property is located ½ mile north of 2 Mile North along the east side of Los Ebanos Road. The applicant wishes to construct a single-family home. There is an existing 12' easement located on the south side of the property currently used by two others to access their properties. Similar to the Nick Galindo single lot variance (east of Capistrano); approved by P&Z on 10/15/08; the applicant's property is encumbered with an existing access easement for the use of others. Similar to Nick Galindo's SLV, staff is recommending the dedication of the southern 25' of the property to provide a wider access and utility easement in preparation for future EDAP sewer line services.

The property is within Sharyland Water Supply's water CCN. The City's plan is to extend the 12" water line located at Mountain View Subdivision. The applicant will be responsible for placing ½ the cost of an 8" line into escrow; thereafter, the City will upgrade the line when the water CCN has been acquired. Staff is also recommending the applicant to provide the full cost of 150' of 8" waterline to be installed within the 25' easement. Half the cost of the future fire hydrant will be required along Los Ebanos Road to be escrowed at \$1,600.00. Since the hydrant will serve both sides of Los Ebanos, the other half will be required by others.

The property has access to an existing 15" sanitary sewer line running along the west side of Los Ebanos Road. According to As-Built plans from the EDAP sewer project a stub out has been provided for the subject property.

The property fronts Los Ebanos Road, a future 80' ROW/57' street. The MPO Thoroughfare plan requires a 40' ROW dedication from the centerline of the street. The ROW dedication will require the applicant to provide the legal deed documents (survey, title commitment, etc.). The applicant will also be responsible for their portion to widen Los Ebanos Road equating to \$7,490.79 (\$55.90/l.f. X 134').

Other Comments include:

- Park fees - \$300.00 X 1 HUE = \$300.00
- Capital sewer recovery fee - \$200/HUE X 1 = \$200.00
- Escrow 5' sidewalks - \$12.00/l.f. X 114' (134' -20' driveway) = \$1,368.00, and
- Exclude the portion used for residential purposes from the Water District.

Staff does not object to the single lot variance subject to: 1) escrow 5' sidewalks, ½ additional fire hydrant, street widening, and the 8" waterline cost as cited above, 2) payment of park fees and capital sewer recovery fees, 3) dedicate 40' of ROW along Los Ebanos road by separate instrument, 4) dedicate a 25' access and utility easement along the south side of the property, and 5) partial exclusion from the water district.

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

The applicant, Mr. Javier Ramon was present to address any questions that the Board might have.

There being no further discussion, Vice-Chairman Sheats entertained a motion. Mr. Garza moved to approve the single lot variance as recommended by staff. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

3.0 OTHER BUSINESS

There was none.

4.0 ADJOURNMENT

There being no further items for discussion, Vice-Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:29 p.m.

Ned Sheats, Vice-Chairman
Planning and Zoning Commission