

**PLANNING AND ZONING COMMISSION
SEPTEMBER 22 2010
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Luann Caudle
Carlos Lopez
Jose G. Vela
Marisela Marin
Mario Garza

P&Z ABSENT

Rene Flores

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Roberto Salinas
Sonia Carnes
Irasema Dimas

GUESTS PRESENT

Andrea Esquivel
Mark Richards
Raul Garcia Jr.
Key Cheol Lee
Reymundo Ramirez Jr.
Rebecca Regalado
Roel Buentello Jr.
Alejandro Espinosa

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR SEPTEMBER 8, 2010

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Garza moved to approve the minutes of September 8, 2010 as presented. Mrs. Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:04 p.m.

Item# 1.1

Rezoning:

**A 0.58 acre tract out of Lot 184,
John H. Shary Subdivision
AO-I to C-3
Tres Rios, LLC**

Mr. Salinas briefed over the write-up stating that the subject site is in the NW area of Selena Street and Shary Road. The surrounding zones include: General Business (C-3) to the north and east, Agricultural Open Interim (AO-I) to the west and south. The surrounding land uses consist of a commercial plaza to the north, a trailer park to the west, open acreage to the east across Shary Road, and finally a small portion of surplus City owned property to the south. The subject site is currently open acreage. The Future Land Use Map reflects a General Commercial (GC) designation along the Shary Road frontage. The C-3 proposal is directly consistent to the GC designation. The lot fronts Shary Road, a widened major

commercial corridor; C-3 is consistent to numerous commercial zonings along this corridor. C-3 is consistent to the commercial land uses along Shary Road as well. Staff recommended approval.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Started: 5:04 p.m.

Ended: 5:07 p.m.

Item# 1.2

Conditional Use Permit:

**Portable Building for Office Use
At "Shary Carwash"**

1117 S. Shary Road

Lot 1, McManus Subdivision

C-3

Life of Use

DJW Corporation

Mr. Salinas briefed over the write-up stating that the site is located 400' south of Colorado Street along the east side of Shary Road. This pre-existing portable building has been used as an office for the past 16 years (most recently by a carwash/detailing operation). Mr. Cesar Faz was the previous operator of the portable office, but has since closed the business. Now a new owner wishes to re-open the establishment for the same type of business.

The portable building sits along the easternmost property line over 100' from Shary Road. There is a 47' X 20' section of asphalt where he will wash vehicles; this section also includes a parking area that exceeds code near the portable office building with 18 spaces. The site also has existing canopies used as the drying area for the vehicles.

Having the portable along Shary Road may not be a long-term desire of the City when considering aesthetics along a major corridor. Thus, perpetual (CUP) monitoring will be the norm where, one day the portable will need to be replaced with a site built structure.

- Days / Hours of Operation: Everyday from 8 a.m. to 6 p.m.
- Staff: 6 employees
- Must meet the City's Sign Ordinance (no flags, etc.)
- A business license is required prior to occupancy.

Staff recommended approval: **1)** A 1 year re-evaluation (perpetually), **2)** comply with the City's Sign Ordinance, and **3)** acquisition of a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative was present.

Mr. Key Choel Lee stated that he was receptive with all the requirements.

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

Started: 5:08 p.m.

Ended: 5:09 p.m.

Item# 1.3

Conditional Use Permit:

**To Place a 5.5' X 10.6' Portable Building for the Sale of Sno-Cones, Corn, and Snacks
407 La Lomita St.
S. 120' – W. 130' S. ½ of Block 8
Citriana Heights Subdivision
C-3
Life of Use
Maria De Jesus Avitia**

Mr. Salinas briefed over the write-up stating that this CUP was last approved by the P&Z on 2/18/09. Since the CUP was not transferable to others and a new operator is evident, this CUP needs to be considered once again.

The subject site is located at the NE corner of Lomita Avenue and Del Mar Drive. Existing entry and exiting to the site is from a pair of 24' driveway cuts along Del Mar Drive, and a 24' driveway cut along Lomita Avenue. The portable building is set in a concrete landing along the south side of the property between the 24' driveways. Restroom facilities are available at Elizondo's Tires (abutting business to the north).

- Hours of operation: Monday through Sunday from 1:00 p.m. to 10:00 p.m.
- Staff: The applicant and her son will be running the stand
- Parking and landscaping: Parking is in order since many that are washing cars or conducting business at Elizondo's Tires merely walk over. When this CUP was first awarded, the applicant installed additional trees and shrubs to improve aesthetics.

Staff recommended approval subject to a 1-year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

Started: 5:09 p.m.

Ended: 5:12 p.m.

Item # 1.4

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Restaurant Vallarta
2707 E. Griffin Parkway
Lot 11, Adams Crossing Subdivision
C-3
Life of use
Elizabeth Perez**

Mr. Salinas went over the write up stating that the 1,065' restaurant is located within the commercial plaza located in the NW area of Taylor Road and Griffin Parkway.

- Hours of Operation: Everyday from 10:00 a.m. to 10:00 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- Staff: 6 employees
- Parking: Viewing the floor plan, there are 46 total seating spaces, which require 15 parking spaces (46 seats/1 space for every 3 seats = 15.3 parking spaces). It is noted that the parking area is held in common (132 existing parking spaces) and is shared with other businesses.

- Alcoholic Beverages: This request is compliant to Sec. 6-4, which requires that no alcoholic beverages be sold within 300' to a church, public school, private school, or public hospital. There are none of these land uses within the above radius (measured door-to-door for church or hospital; measured lot line-to-lot line for schools).

The intent is to establish a family oriented seafood restaurant where alcoholic beverages would be available to customers. Please notice the closing hour, which is further indicative of their target market, i.e. family ambience. There should be full compliance to the City's Sign Code, which prohibits 'flags' advertising their service/menu.

Staff recommended approval subject to: **1)** acquisition of a business license and **2)** 1 year re-evaluation to assess this new operation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Salinas stated that the applicant was not able to attend due to attending to her sick husband.

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

Mr. Salinas 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 #1.5, 1.6, 1.7, 1.8, 1.9, 2.0, & 2.1), their location, their intent, and staff recommendation on each. Thereafter, the Chairman would ask if there was any public input on any of the conditional use permits. After public comments, the 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: 5:12 p.m.

Ended: 5:24 p.m.

Item # 1.5

Conditional Use Permit Renewal: To Move in a 12' X 16' Portable

**Building for the use of a sales office
1712 W. Griffin Parkway
Lot 22, Block 4,
Oakwood Estates Subdivision # 2
C-3
Life of use
Edward Sanchez**

Mr. Salinas went over the write up stating that the site is located in the NW area of Kristi Lane and Griffin Parkway (FM 495).

- This CUP was first approved on 9/23/09, where the portable was approved for only 1 year, to be replaced with a site built office thereafter. (The proposed use is an auto sales lot.) Staff's other recommendations included:
 1. Painting the portable to a natural earth tone color and skirting the building.
 2. Meeting the landscaping code.
 3. City Engineer to approve the drainage plan
 4. Non-transferability to others and;
 5. Record a deferred commercial parking lot linkage document.
- Though the CUP was approved, the applicant did not move the portable in. He is now asking for a renewal to allow him to initiate the CUP with the same conditions.
- A portable building is allowable through a conditional use permit, however in viewing the evolving construction of site-built structures along Griffin Parkway, a major commercial thoroughfare, the use of the portable building would not be very visible (placed at the rear of the lot). Mr. Sanchez needs to put 'on notice' that since the area is continuing to be upgraded with site-built structures, perpetual 1 year monitorings will be the norm where, one day the portable will need to be replaced with a site-built structure.

Staff recommended approval subject to: **1)** approval for 1 year (perpetual), **2)** painting the portable to a natural earth tone color and skirting the building, **3)** meeting the landscaping code, **4)** City Engineer to approve the drainage plan, **5)** meet Sign Code (no flags, etc.), **6)** record a deferred commercial parking lot linkage document, and **7)** acquire a business license.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, 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: 5:12 p.m.

Ended: 5:24 p.m.

Item # 1.6

Conditional Use Permit Renewal:

Home Occupation – ‘Sale of Snacks & Sodas’

2514 Paseo Encantado

Lot 13, Block 10, Tierra Dorada Subd.

R-1

Life of use

Andrea Esquivel

Mr. Salinas went over the write up stating that this CUP was originally approved on 1/9/08 and has since been renewed on 8/27/08 and 8/19/09 and needs renewal consideration once again.

The subject site is located on the NE corner of Paseo Encantado and Paseo Del Rey. The applicant has her SF home thereon with 2 paved driveways off of Paseo Encantado, a residential collector. She has been operating her home occupation for the past couple of years from her enclosed 5' X 6' porch that has a 2' X 2' window affixed to it.

- Days / Hours of operation: Monday – Friday: 4 p.m. to 8 p.m.
Saturday: 11 a.m. to 8 p.m.
Sundays: Closed
- Staff: The applicant and her son have been running the home occupation.

Since the operation is only open for a few hours a day and since we have had no complaints, we do not object renewing this operation for another year to continually monitor the traffic and pedestrian safety issues especially when adjacent to a collector street. Staff recommended approval subject to a 1-year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Andrea Esquivel was present to answer any questions from the board.

There being no discussion, 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: 5:12 p.m.

Ended: 5:24 p.m.

Item # 1.7

Conditional Use Permit Renewal:

**Residential Structure for Office Use in
An AO-I Zone**

3503 N. Taylor Road

**Lot 1-A, Summers Estates Subdivision
AO-I**

Life of use

Mark V. Richards

Mr. Salinas went over the write up stating that the subject site is located 1,000' north of 2 Mile Road along the west side of Taylor Road. P&Z first approved this request on 9/23/09 with the condition that he would not allow heavy equipment, acquire a business license, and have a 1-year re-evaluation of the site. Mr. Richards desires to renew his CUP to have his office within a residential structure where no one will reside. The office is utilized for a small oil and gas management company. One of the requirements to be able to have the office without someone residing is to obtain a petition with 90% of the owners supporting his request. Mr. Richards has provided staff with the necessary support from the surrounding owners.

The hours of operation are Monday through Friday from 8 a.m. to 5 p.m. Only 4 employees will be at the site. With such a low-key operation that has less traffic than a typical residence with a 4-member family and the fact that staff has not received any complaints from any of the adjoining properties, staff does not object to the continuation of the CUP. Staff recommended approval subject to a 1-year re-evaluation.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Mark Richards was present to answer any questions from the board.

There being no discussion, 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: 5:12 p.m.

Ended: 5:24 p.m.

Item # 1.8

Conditional Use Permit Renewal:

Repo-Service "Office Use" in an AO-I zone

2500 N. Moorefield Road

A 10 ac. Tract excluding the 1.14 ac.

Out of Lot A, Millers Subdivision

AO-I

Life of use

Roel Buentello

Mr. Salinas went over the write up stating that the site is ¼ mile north of Griffin Parkway along the east side of Moorefield Rd. This CUP was originally approved by P&Z on 4/15/09, with one of the requirements being that the CUP be re-evaluated on a yearly basis. There is a 1,500 sq.ft. masonry home on the property that the applicant has been leasing. He has also constructed a 90' X 80' fenced impound area for the repossessed vehicles. Access to the site is through a paved driveway along Moorefield Road.

- Days/Hours of Operation: Monday through Friday from 8 a.m. to 5 p.m.
- Staff: 1 full time employee and 2 part-time drivers.
- During the 4/15/09 approval, P&Z approved the CUP with the requirement of installing a minimum of 4 parking spaces. Given that there is no interaction with customers on-site, as only 1 in 10 repossessions are returned back to the owners at the dealership, staff feels that the previous requirement of "paved parking" should be reconsidered for this temporary use, i.e., why have paved parking if there are no customers to a temporary CUP?
- There is no ground pole sign permitted for this CUP.

Staff recommended approval subject to a 1-year re-evaluation and no paved parking.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Roel Buentello Jr. was present to answer any questions from the board.

There being no discussion, 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: 5:12 p.m.

Ended: 5:24 p.m.

Item # 1.9

**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
Life of use
Alejandro Espinosa**

Mr. Salinas went over the write up stating that this CUP was originally approved by P&Z on 9/9/09. The 5,171' restaurant site is located on the NE corner of Shary Road and Colorado Street.

- All parking, landscaping, and sign codes are being met.
- The hours of operation are: 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.
- There have been no negative incidents relating to the CUP within the past year.
- Since there are no churches or schools within 300' of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

Staff recommended approval subject to a 3-year re-evaluation tenure.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Alejandro Espinosa was present to answer any questions from the board.

There being no discussion, 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: 5:12 p.m.

Ended: 5:22 p.m.

Item # 2.0

Conditional Use Permit Renewal:

**Little Patriots Day Care
300 E. 2 Mile Road
1.17 Acres of Lot 28-7,
West Addition to Sharyland Subd.
AO-I
Life of use
Reymundo Ramirez Jr.**

Mr. Salinas went over the write up stating that the subject site is located at the SW corner of Francisco and 2 Mile Road. This CUP was last approved by P&Z on 9/9/09 and is now up for renewal. In 9/9/09, Mr. Ramirez took over this operation from Mr. Joel and Hermilia Ochoa, who had the operation since April 2004. Since its introduction in 2004, the Ochoa's and the applicant have complied with the requests of the P&Z which included: compliance with the Subdivision Code, DHS Certification, compliance with Sign Codes, acquisition of a business license, and the installation of a fence buffer.

- **Parking:** Mr. Ramirez has 4 parking spaces for his staff along the western side of the driveway coming in from 2 Mile Road. There is also a circular driveway that is used for parents dropping off or picking up their kids. This 1-way circular drive was installed so cars can safely enter the facility from 2 Mile and exit facing 2 Mile's traffic. 2 Mile Road's widening deleted 1 parking space – there are 3 spaces at this time, however there is room to the SE to re-capture the lost space due to the widening.
- Staff also notes that based on the 2,248' the daycare requires 9 spaces. With additional 2 spaces that would leave 4 spaces lacking. Full compliance of the parking should be in 2011, including seeking a C-2 rezoning, thus no more CUPs thereafter would be warranted.
- **Hours of Operation:** Monday – Friday from 7 a.m. to 6 p.m.
- **Staff:** 4 employees
- **DHS Certification** will continue to be mandated
- Any existing or future signage would also have to comply with the prevailing sign ordinance.

Staff recommended approval subject to: **1)** 1 year re-evaluation and **2)** additional 2 parking spaces along the SE area within the next 45 days. (Note: Next year, full parking code compliance required).

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

Mr. Reymundo Ramirez Jr. asked what was the reason that staff was requesting the 2 additional parking spaces now and not before.

Chairman Sheats replied that he believed that it was because Little Patriots lost some parking spaces during the widening of 2 Mile Road.

Mr. Ramirez stated that due to the property that was taken to widened 2 Mile Road, the property now is smaller. He stated that he doesn't see the need for the parking spaces, since there are sufficient parking spaces for the employees and there is a circular driveway that the parents use to drop off and pick up their kids. He stated that the additional parking would be an extra expense that he wouldn't be able to complete due to being in financial difficulties.

Mr. Salinas stated that as of this day there are only 3 parking spaces available and based on the total square footage of the daycare it requires 9 parking spaces, therefore is not meeting code.

Mr. Ramirez replied that there are 4 parking spaces.

Mr. Salinas asked where the 4th parking space was located.

Mr. Ramirez replied that it was under the tree.

Mr. Zavala stated that he went out to the property and he only saw 3 parking spaces.

Mr. Zavala stated that being that there were some issues regarding the parking, he suggested that the item be placed on the "Table" in order to give them time to visit with the applicant at the site.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Caudle moved to 'Table' the conditional use permit. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously

Started: 5:12 p.m.

Ended: 5:24 p.m.

Item # 2.1

Conditional Use Permit Renewal:

**Sale and On-Site Consumption of
Alcoholic Beverages and Drive-thru
Service Window
Taqueria La Mexicana**

**305 W. Griffin Parkway
Lot 1-E,
Lot 1-D, 1-E, 1-F,
Mission Park Plaza Subdivision
C-3
Life of use
Jorge L. Garza**

Mr. Salinas went over the write up stating that the P&Z approved this CUP on 6/17/09 with a 1-year re-evaluation to assess the new operation. The site of Taqueria La Mexicana is located 650' west of the Conway along the south side of Griffin Parkway. The applicant has a 4,930' building with a drive-thru window and menu board on the east side of the building. Access to the site is provided through an existing 25' entrance from Griffin Parkway. The (10') drive-thru lane is located along the south and east side of the building with the window's location stacking 5+ vehicles. The applicant is also requesting renewal for the sale and on-site consumption of alcohol with meals. The intent is to establish a family oriented Mexican restaurant where alcoholic beverages would be available to customers. Please notice the closing hour, which is further indicative of their target market.

The number of parking spaces required for a building this size is 45. The applicant is providing 71 spaces exceeding code. It is also noted that the parking area is held in common and access to the site is provided through existing, interlocking parking lots from Dollar General and a commercial plaza.

The applicant is exceeding the minimum 5% landscaping (22%) with hedges and trees within the green areas.

- Days/Hours of Operation: Sunday – Thursday from 10:30 a.m. to 11:00 p.m. and Friday & Saturday from 10:30 a.m. to 12:00 a.m. Alcoholic beverages are served during allowable State selling hours.
- Staff: 50 employees
- There have been no negative incidents relating to the CUP within the past year.
- Since there are no churches or schools within 300' of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

Staff recommended approval subject to a 3-year re-evaluation tenure.

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

There was no response.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no discussion, 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

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mrs. Caudle moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:25 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission