

**ZONING BOARD OF ADJUSTMENTS
NOVEMBER 17, 2010
CITY HALL'S COUNCIL CHAMBERS**

<u>MEMBERS PRESENT</u>	<u>MEMBERS ABSENT</u>	<u>STAFF PRESENT</u>	<u>GUEST PRESENT</u>
Kathy Olivarez	Daniel Tijerina	Sergio Zavala	Lucy Sisniega
Jon Lown	Keri Amen	Annette Zavala	Mike Blum
Ned Sheats		Bobby Salinas	John Grubber
Jorge Garcia			Paul Gonzalez
Raul Sesein			

CALL TO ORDER

Chairwoman Olivarez called the meeting to order at 4:31 p.m.

CITIZENS PARTICIPATION

Chairwoman Olivarez asked if there was anyone in the audience that had anything to present that was not on the agenda. The audience remained un-responsive.

APPROVAL OF MINUTES FOR OCTOBER 20, 2010

Chairwoman Olivarez asked if there were any corrections to the minutes. Mr. Sheats moved to approve the minutes as presented. Mr. Lown seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO (FLUCTUATE) NON-COMPLIANCE TO OFF-STREET PARKING CODE FOR PROPOSED RESTAURANT'S EXPANSION, AT 2310 E. EXPRESSWAY 83, BEING LOT 3, CIMARRON CROSSING PHASE II SUBDIVISION, AS REQUESTED BY MRS. LUCY SISNIEGA

Assistant Planning Director Bobby Salinas mentioned that the site is at the SE corner of the Expressway's Frontage Road and Cecilia Lane. There is a series of suites with common parking (front and rear parking) where the following is evident, which also show their hours of operation

SUITE	BUSINESS	HOURS	# / SPACES
½	Siempre Natural	Mon-Sun 11a-9:30p	19*
3	Family Medical Clinic	Mon-Fri 8a-5p; Sat 9a-1p	9
4/5	Wing Stop	Mon-Sun 11a-12p	22
6	Salud/Energia/Bienestar	Mon-Fri 7a-11:30a & 5p-9p Sat-Sun 8a-noon	5
7	Vacant	(min for retail)	6
8	Tino's	Mon-Thurs 11a-10p; Fri-Sat 11a-12p; Sun 11a-4pm	11

(Note: *the 19 spaces reflects the req'd spaces in Ste 2 'as if' used by Siempre Natural). **72**

The req'd parking for the above users (absolutely mandating a future retail / office use in vacant Suite #7, i.e., no restaurant or medical use) is 72.

The amount of parking available is 66 thus being below code by 6. In Staff's assessment, there is room in the back (dumpster area) to pave about 4 new spaces in a 45/60-degree angle which increases the # of spaces to 70; thus being under code by 2. In addition to the new paved spaces, if 2 spaces=6 seats, then by eliminating 6 seats from Siempre's floor plan, it would meet code, i.e., the # needed is no longer 72 but 70. Also, please note that there seems to be a cushion of comfort when reviewing the days/hours of operation of Ste. 3 and Ste. 6 being that Ste. 3 closes at 5pm thus 'releasing' their 9 spaces for use for the evening crowd; and Ste. 6 closes at 11:30 a.m. which can release their 5 spaces for the lunch crowd. The release of these spaces can be enjoyed by the remaining restaurant users not just Siempre's. Suffice it to say that the current hours of operation of Suite 3 & 6 only enhances parking opportunities. Recommendation by staff was to comply with code by: 1) adding 4 paved spaces in the rear, 2) removing 6 seats from the floor plan; and 3) mandating a typical retail/office use for suite 7 where no variances will be considered.

Chairwoman Olivarez asked if there was any public opposition to the request There was none

Chairwoman Olivarez asked if the applicant or representative were present.

Mr. Mike Blum mentioned that the owner of Siempre Natural Mr. Paul Gonzalez, was present. He said that this franchise has been around for over 20 years and the company started in Mexico. Mr. Blum noted that the second suite will be used as a training facility for new franchise owners.

Chairwoman Olivarez mentioned that the parking was her concern.

Mr. Jorge Garcia asked staff if the landscaping was sufficient for this plaza, and if the trash pick-up truck would be able to go in and out.

Mr. Zavala mentioned that the landscaping code required a 5% of green area that will still be complied with. Regarding the back area parking and trash pick up, the truck will have enough space to maneuver in and out of the area since the 4 new spaces will not even use the same maneuvering lane that the garbage trucks use.

Mr. Raul Segin asked staff if the restaurant on the other corner was using their drive thru window, and if they had based their decisions on the layout of the buildings.

Mr. Zavala replied that the restaurant was going to use the drive thru window and the parking code will be met as required.

Mr. Segin asked the owner of the suites if he didn't have an issue with removing the 6 chairs from the restaurant, and if he understood that he would have to provide the parking in the back of the building.

Mr. John Grubber, the owner from the suites, replied that there were "no problems" complying with the requirements.

Chairwoman Olivarez entertained a motion. Mr. Segin moved to approve the variance subject to the conditions recommended by Staff. Mr. Garcia seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

There was no other business discussed.

**ITEM #3.0
ADJOURNMENT**

There being no further business, Chairwoman Olivarez entertained a motion to adjourn. Mr. Segin moved to adjourn. Mr. Sheats seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 4:50 p.m.

Kathy Olivarez, Chairwoman
Zoning Board of Adjustments