

**PLANNING AND ZONING COMMISSION
JANUARY 11, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Mario Garza
Carlos Lopez
Diana Izaguirre
Marisela Marin
Julio Cerda

P&Z ABSENT

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Marie Villarreal
Daniel Tijerina

GUESTS PRESENT

Christina M. Roldan
Leonor Frias
Carlos Ibarra
Tim Gorny
Gilbert Garcia
Bud & Gert Dret
Oscar Cardenas
Michael Barrera
Kym & Lyle Blaschko
Denis Doyen
Patricia West
CF Roldan
Laura Ruiz
Jesus Ruiz
Ricardo Rodriguez

CALL TO ORDER

Chairman Ned Sheats called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

Chairman Sheats asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR DECEMBER 14, 2016

Chairman Sheats asked if there were any corrections to the minutes for December 14, 2016. Mr. John Guerra moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:11 p.m.

Item #1.1

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Spaugy's Ice House
815 N. Francisco Avenue
The South 109.5' of Lot 2, Block 137,
Mission Original Townsite Subdivision
& all of Lot 2, John H. Shary Industrial
Subdivision
C-3
Gilbert Garcia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NW corner of Francisco and 8th Street. The 1,853' sq. ft. bar was constructed in 1960 as per appraisal district records. There are tables and chairs located inside and outside of the building, and some bar stools around the bar area too (total of 50 people inside). This is a longstanding business frequented by different Mission residents and Winter Texans. Total 15,144 sq. ft.

- **Hours of Operation:** Monday through Saturday 10 am to 12 midnight and Sunday's from 12 Noon to 12 Midnight. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 5 employees including the owner and his wife.
- **Parking:** As can be seen in the aerial, there are over 12 off-street parking spaces that were constructed in the 60's. The parking requirements for a restaurant, nightclub, cafe or similar recreation or amusement establishment: One space for each 75 square feet of floor area or one space for each three seats, whichever is greater. Based on the code, 25 parking spaces are required.
- **Alcoholic Beverages:** This request is compliant with Sec. 6-4 which requires that no alcoholic beverages be sold within 300' to a church, public school, private school or public hospital.
- It is noted that this business has been in operation for over 56 years, the establishment has not ceased to operate, and the new owner/applicant is merely transferring all permits to his name.

RECOMMENDATION:

Staff recommends approval subject to: 1) approval for a period of now until October 24, 2018 when the TABC license expires, 2) wet zoning the property, 3) compliance with TABC requirements, 4) compliance with landscaping and lighting requirements, 5) pave and stripe the parking area, 6) obtain a Business License, and 7) waiver of the 300' separation requirement from residential areas

Chairman Sheats asked what does the applicant need to do in order to come up to standards, is there a lot of money that needs to be put in.

Mr. Jaime Acevedo mentioned that the business has been in operation for more than 56 years and there hasn't been a lapse in the grandfather status. If the business were to have been shut done for 6 months or more then he would have to comply with all the requirements we impose for a regular business today.

Chairman Sheats stated that if the applicant was ok the way he is.

Mr. Jaime Acevedo mentioned that the applicant is ok the way he is.

Mr. John Guerra asked if there was anything that came before the City commissioners in a meeting that had to do with the liquor and extending the hours.

Mr. Jaime Acevedo mentioned that earlier this year the City Council passed an ordinance limiting the sale of alcohol until 12am. There were some complaints from business owners with CUPS that were forced to sell alcohol until 12am only while the other businesses that were granted 5 or 6 years ago had life of use and were not being impacted. The new owners that were forced to sell alcohol until 12 am complained and mentioned that customers were leaving their business to go consume alcohol in the business that were allowed to sell till 2am, therefore they were losing business. The City Council took a look at that and made a decision to remand the ordinance that

was passed earlier this year which limits the sale of alcohol until 12am and revert back to the old TABC hours which allows the sale of alcohol until 2am.

Chairman Sheats stated that there will be several situations where the CUPs and TABC do not correspond because CUP'S were granted for 1 year or 2 years, so for an effort for this to happen the City has put in place to conform CUP dates with TABC dates. In this matter some people will have more or less time than others to renew, so there is a charge or fee involved. The City has recognized that there was an issue going on and if it's less than 1 year the applicant must pay for the 1year, if it's less than 2 years the applicant must pay for 2 years. They have tried to accommodate the possibilities and if any further business come up the same formula will be used.

Mr. Jaime Acevedo stated that it is correct, and since this write up was written before the recommendations states 2 year approval so we can change it to conform to his TABC license date.

Chairman Sheats asked why the applicant doesn't pay the fee of 2 years.

Mr. Acevedo mentioned that the applicant has already paid the fee and should be even.

Mrs. Marisela Marin asked that as soon as we know what the TABC date is then people can come and apply for the CUP, how are we going to know what those dates are?

Mr. Jaime Acevedo mentioned that for future P& Z and City Council meetings staff will be providing a copy of their TABC certificate to show when it expires.

Chairman Sheats stated that not all CUP and TABC's will end or progress on one day just means that it will be both the same date.

Chairman Sheats asked if the applicant or representative were present.

Mr. Gilbert Garcia who resides at 1013 Sandstone Drive was present to answer any questions the board may have.

There were no questions from the board.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:20 p.m.

Item #1.2

Conditional Use Permit:

**Sale & On-Site Consumption of Alcohol-IncrediBowl
2140 E. Business Hwy 83
Lots 1 & 2, Grapefruit Bowl, Inc. Subdivision
C-4
Spare Time Concessions, LLC/Felipe Cavazos**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 400' east of Ragland Road on the South side of Business Highway 83. On October 14, 2015 the PNZ granted a CUP to the new owner/operator at this location for a period of 1 year. The building overlaps the lot line over Lots 1 & 2. Viewing the floor plan, there are 24 bowling lanes and the approach and pit areas, a party room, an office as you enter the building, the rental area for bowling and shoes, the Café/snack bar/kitchen area, game room area, another office, and a utility/storage area. The main entrance to the facility is located along the North side of the building. There are separate restrooms for men and women. The applicant proposes to open up the western portion as a game room and party room for birthday parties.

- **Hours of Operation:** Sunday - Thursday from 9am to 12am and Friday thru Saturday from 9am to 1am.
- **Staff:** 20
- **Parking:** In viewing the floor plan, there are a total of 180 parking spaces, meeting code.
- **Sale of Alcohol –** The existing restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a mobile and modular home residential neighborhood located south of the subject site within the 300' radius.

REVIEW COMMENTS: Notices were sent to property owners within 200 feet of this business where Staff has not received any comments in favor or against this CUP. Staff is recommending that the family-oriented establishment not be open past 12:00 am and since the sale of alcohol is not the primary item of purchase, staff does not object to this proposal.

RECOMMENDATION: Staff recommends approval subject to a waiver of the 300' separation requirement from the residential neighborhood and that this CUP be approved for a period of now until November 22, 2017, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked how many City agencies have been out there to review the new zip line attraction.

Mr. Jaime Acevedo mentioned that all of the firefighters had to be trained for rescue purposes in case there are any emergencies. All of the emergency personnel have been trained and are aware of what is out there to make this place as safe as possible.

Chairman Sheats mentioned that there were questions in the past about the interior walls and sprinkler system. Mr. Sheats asked if all those concerns have been taken care of.

Mr. Jaime Acevedo stated that all of those concerns have been addressed to the owner and the Fire Marshall is in agreement with what is being presented in this meeting.

Chairman Sheats asked if the applicant or representative were present.

Mr. Felipe Cavazos owner of Incredibowl was present to address any questions the board may have.

Chairman Sheats asked what safety precautions will be taken with alcohol being sold and the zip-line. What plan has been put in place to address a person who wants to get on the zip-line that has already consumed alcohol?

Mr. Felipe Cavazos stated that all staff has been trained, and that no person who has consumed one alcoholic beverage can enter the tower or zip-line. Mr. Cavazos mentioned that when the Fire Department went out there to help us rescue people, they quickly found out that we were there to rescue them. When a person gets on the harness, it contains a dual safety system where there is no way a person can get off the system unless someone takes you off. Mr. Cavazos stated that in case someone does get on that has been drinking alcohol or drug imperative and staff does not become aware of, the person will fall about 6 inches because there is no way a person can fall of the safety system. This system is a Germany design called Crystal, and has had zero fatalities since the 14 years it has been in operation, no one has ever fallen off.

Chairman Sheats mentioned that he's seen a lot of people that have consumed alcohol that find all different kinds of ways to get around doing unpredictable things.

Mr. Cavazos mentioned that his staff has been fully trained and that 90% of the people who use it are kids. Mr. Cavazos stated that he himself is a pilot and thought about it before taking that jump; as people get older or age they tend to be more afraid of heights.

Chairman Sheats mentioned that he can tell that everything possible is being done in order to address the safety issue.

Mr. Cavazos mentioned that his hours of operation are only till 12am every day and the bar is actually a snack bar we don't sell liquor just beer although we do have a liquor license.

Mr. Julio Cerda stated that he wanted to congratulate Mr. Cavazos for bringing into the City a place for children to enjoy.

Mr. Cavazos thanked the board and mentioned that their next project would be to bring batting cages into the facility.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:20 p.m.

Ended: 5:23 p.m.

Item #1.3

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – Taqueria El Zarape
2423 E. Expressway 83, Ste. 100
Lot 2, Block A, Shary-Taylor
Expressway Commercial Subdivision**

**C-4
Taqueria El Zarape**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately ¼ mile east of Shary Rd. along the north side of the frontage road along Expressway 83, just east of Chili's. The last CUP for the sale and on-site consumption of alcohol for this site was approved by P&Z on August 28, 2013 for a period of three years.

- **Hours of operation:** 7:00 a.m. to 12:00a.m from Monday through Sunday. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 20 employees
- **Parking and Landscaping:** The 3,500 sq. ft. restaurant requires 47 spaces based on 1 space for every 75 sq.ft. There are 59 spaces provided. 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 Chili's and businesses to the north. This restaurant is located within an existing commercial site, which has existing landscaping and is in compliance with code.
- Staff has requested a report of complaints from Mission PD during the restaurant's previous CUP approval. We expect to have the report by the time of the meeting.

REVIEW COMMENTS: There are no churches or schools within 300' of this restaurant, nor have there been any comments in favor or against this request forwarded to the Planning Department during the CUP's tenure.

RECOMMENDATION: If there are no incidents reported by Mission PD, Staff recommends approval of this CUP for a period of now until September 19, 2018 at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats stated that item 1.3 was another administrative adjustment type, therefore he has no questions.

Mr. Jaime Acevedo answered that was correct.

Chairman Sheats asked if the applicant or representative were present.

The applicant or representative was not present.

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

There no was no response.

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

Started: 5:23 p.m.

Ended: 5:25 p.m.

Item #1.4

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – La Fogata Restaurant
300 N. Shary Road**

**Lot 1, El Lugar Subdivision
C-3
El Lugar Cabrito & Steak House**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 1/3 mile north of Expressway 83 along the east side of Shary Rd. La Fogata is a family oriented Mexican restaurant and bar that has been in operation since 2008. This CUP was most recently approved by P&Z on August 14, 2013 for a period of 3 years.

- **Hours of operation:** Mondays – Saturdays from 7a.m. to 12.a.m. & Sundays from 7a.m. to 10p.m.
- **Staff:** 114
- **Parking:** The existing 21,533 sq. ft. building has a grand total of 357 seating spaces which require 119 parking spaces (357 / 3 seats =). There are a total of 168 parking spaces exceeding code by 49 spaces.
- **Landscaping:** The applicant is in compliance with the landscaping requirements by currently providing various trees, plants and shrubs within landscaped islands throughout the site.
- Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There is one single family home and several mobile homes within 300' (see aerial); however, P&Z and the Council waived this separation requirement in the CUP's previous approval.

REVIEW COMMENTS: Staff has asked Mission PD to provide a report in relation to the sale of alcohol which we should have by the meeting date.

RECOMMENDATION:

Since La Fogata is a family oriented restaurant and IF there are no incidents reported by PD, Staff recommends approval subject to a waiver of the 300' separation requirement from the residential neighborhood and that this CUP be approved for a period of now until October 6, 2018, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if the applicant or representative were present.

The applicant was not present.

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

There was no response.

Chairman Sheats stated that it was another item with administrative adjustment.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:25 p.m.

Ended: 5:28 p.m.

Item #1.5

Conditional Use Permit:

**Sale and On-Site Consumption of
Alcoholic Beverages – Ranch House Burgers II
409 N. Bryan Road, Suites 104 & 105
Lot 1, City Plaza Subdivision
C-3
Ranch House Burgers**

Mr. Jaime Acevedo went over the write-up stating that the site is located within a commercial plaza located on the Northwest corner of Matamoros Street and Bryan Road. The applicant has operated at this location since early 2015 and the PNZ most recently approved a CUP for the Sale and On-Site Consumption of Alcoholic Beverages at this location on January 13, 2016. Mr. Alaniz is proposing to continue to offer the sale of beer, margaritas, etc. at restaurant.

- **Hours of Operation:** Monday – Saturday 6am to 9pm and Sundays 6am to 3pm
- **Staff:** 10-15 employees
- **Parking:** There are 158 total seating spaces, which requires 53 parking spaces (158 seats/1 space for every 3 seats = 53 parking spaces). It is noted that the parking area is held in common (87 existing parking spaces) with other smaller suites.
- **Landscaping:** There is existing landscaping along Bryan Road and is in compliance with code.

REVIEW COMMENTS: Ranch House Burgers is a family-oriented restaurant that successfully acclimates to its commercial location. Although there is a small bar sitting area, the restaurant is not open past 9 p.m.

Since the sale of alcohol is not the primary intent of the applicant, staff does not object to this proposal. Additionally, notices were sent to property owners within a 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department.

RECOMMENDATION: Staff recommends approval of this CUP for a period of now until May 14, 2018, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if the applicant or representative were present.

Michael Barrera who resides 1002 E. Solar Drive was present to address any questions the board may have.

Chairman Sheats asked if the applicant had any concerns with the conditions that the business has been enforced to follow.

Mr. Michael Barrera answered that he had no problems.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:28 p.m.

Ended: 5:31 p.m.

Item #1.6

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – Kalo's Salon De Eventos
1516 E. Expressway 83, Ste. 5K
Lots 5, 5J, 5K, & 5L, Stewart Plaza Subdivision
C-3
Oscar L. Cardenas**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 400' south of U.S. Expressway 83 along the west side of Stewart Rd. within a commercial plaza. The 9,240 sq.ft. social events center was most recently approved by P&Z on August 14, 2013.

- **Hours of Operation:** For the most part, these events typically take place during evening hours from approximately 6p.m. to 2a.m., primarily on Fridays and Saturdays.
- **Staff:** 6 staff
- **Parking:** There are currently 170 existing parking spaces. The required parking for the event center is 58 (5,842sq.ft.(dance floor)/1 space per 100 sq. ft. = 58.4). The parking area is held in common at this development. This business also shares the parking with The Corinthian, which requires 70 parking spaces, thus requiring a minimum of 128 spaces for the two businesses. Since most activities are held at later hours and on weekends, when the other businesses at this development are closed, there haven't been any issues with parking.
- **Sale of Alcohol:** Section 1.56 (3a) of the Zoning code requires such uses to be 300' from residential areas. There is a residential subdivision within this radius (*Legends at Cimarron*); P&Z and City Council waived this separation requirement in the CUP's previous approval.
- Must continue to comply with Fire and Health Codes.

REVIEW COMMENTS: Staff has requested a report from Mission PD in regards to the sale and on-site consumption of alcohol. If there are no major issues, Staff is inclined to recommend the approval of the CUP.

RECOMMENDATION: Staff recommends approval subject to a waiver of the 300' separation requirement from the residential neighborhood (*Legends at Cimarron*) and that this CUP be approved for a period of now until March 26, 2018, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats asked if the applicant or representative were present.

Oscar Luis Cardenas owner was present to address any questions the board may have.

Chairman Sheats asked the applicant if he was in agreement with staffs recommendations.

Mr. Oscar Luis Cardenas stated that he agreed with staff's recommendations.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:37 p.m.

Item #1.7

Conditional Use Permit:

**Sale and On-Site Consumption
of Alcoholic Beverages – Palms II Lounge
600 E. 9th Street Lots 11-15, Block 142,
Mission Original Townsite Subdivision
C-3
Ricardo Rodriguez**

Mr. Jaime Acevedo went over the write-up stating that on the SE corner of E. 9th and St. Marie This particular building has been in existence for several years and has always been utilized as a bar. The original CUP for the Palms II Lounge was approved by City Council on 10-11-93 for the life of use. Mr. Ricardo Rodriguez took ownership in 2013 and was granted a CUP for the Sale and On-Site Consumption of Alcoholic Beverages at this location on June 26, 2013. Mr. Rodriguez has operated at this location since then and needs his CUP to be renewed at this time. Primary access to the bar is off of E. 9th St. They currently do offer various food items available upon request.

- **Hours of Operation: Monday – Friday** from 10a.m. to 12a.m., **Saturday** from 10a.m. to 1a.m. **and Sunday** from 12p.m. to 12a.m. Alcoholic beverages have only been served during allowable State selling hours.
- **Staff:** 3 to 5 employees
- **Parking:** The parking lot for this site is located along the south and east side of the building. It is noted that this site is located within the Central Business District which is exempt from the parking code.
- Planning asked PD for a report of incidents. Staff should have this information by the date of the meeting.

RECOMMENDATION

Staff recommends approval of this CUP for a period of now until September 22, 2017 at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Chairman Sheats stated that there have been a couple of incidents in the past years.

Mrs. Marin asked what the difference between a gun sign being blue and a gun sign being red in a TABC license.

Mr. Jaime Acevedo stated that the he did not know but thinks that it may have to do with the extended hours of alcohol. They are allowed to operate till 2am but they only operate till 12am.

Chairman Sheats asked if the applicant or representative were present.

Mr. Ricardo Rodriguez owner of Palms II who resides at 1702 Primerose was present to address any questions from the board.

Chairman Sheats stated that there have been incidents reported at the bar.

Mr. Ricardo Rodriguez stated that the incidents that have occurred are people that come in that are already drunk or have consumed alcohol and are refused service. My wife and I offer them food, a ride, or even call a taxi for them to try and calm them down because we refuse to sell them alcohol.

Mr. Jaime Acevedo mentioned that Mr. Rodriguez statements are correct the reports do indicate the refusal of services to the patrons that do come in the establishment.

Chairman Sheats stated that the refusal or service is why the patrons file a complaint.

Mr. Ricardo Rodriguez mentioned that him and his wife try and keep it a clean business and offer them free sodas, water, and food but refuse and want beer.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. John Guerra moved to approve the conditional use permit as per staff's recommendations. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:37 p.m.

Ended: 5:40 p.m.

Item #1.8

Conditional Use Permit:

**Drive-Thru Service Window - Bucks Pizza
2401 S. Shary Road, Ste. A
Lot 1, Riverside Plaza at Sharyland Subdivision
C-3
Thelma Chapa**

Mr. Jaime Acevedo went over the write-up stating that the 3,150 sq.ft. Restaurant with a drive-thru service window is located at the SE corner of Shary Rd. and San Miguel Drive. On July 8, 2015 the applicant was granted a CUP for a drive-thru service window at this location for 1 year. The applicant has been in operation for 1 year and desires their CUP to be considered once again at this location. One of the 24' driveways through San Miguel Drive will enter into parking area towards the 15' drive thru lane. The lane allows stacking for approximately 4 vehicles.

- **Days / Hours of operation:** Monday – Saturday 11a.m. – 10p.m., Sunday 12p.m. – 10p.m.
- **Staff:** 15 employees
- **Parking:** 43 parking spaces are required for Bucks Pizza. The plaza a common parking area of 325 parking spaces which is in compliance with our parking code.

REVIEW COMMENTS: Applicant will have to remain in compliance with all Health, Building, and Fire Department codes.

RECOMMENDATION: Approval subject to a 3 year re-evaluation.

Chairman Sheats asked if the applicant or representative were present.

Art Chapa who resides at 3007 El Jardin was present to address any questions the board may have.

Chairman Sheats asked the applicant if he was in agreements with staff's recommendations.

Mr. Art Chapa stated that he had no questions and agreed with staff recommendations.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 5:40 p.m.

Ended: 5:42 p.m.

Item #1.9

Conditional Use Permit:

**Rico Suave Drive-Thru #2 Convenience Store
3300 N. Inspiration Road
Lot 1, Gomez Estates Subdivision
C-3
Juan R. Villarreal**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the NE corner of Inspiration Road and 2 Mile. The subject site currently has an existing drive-thru business. Different tenants have operated with a CUP for a drive-thru at this location over the years. On September 9, 2015, Mr. Villarreal was granted a CUP at this location for a period of 1 year—see minutes. Mr. Villarreal continues to be the operator at this location. Primary access into the drive-thru business is from Mile 2 Road, then exiting out through Inspiration Road.

- **Days / Hours of operation:** Monday – Sunday from 10a.m. – 1 a.m.
- **Staff:** 4 employees
- **Parking:** The drive thru business measures 3,506 sq. ft. which requires 12 parking spaces and the existing water mill requires 4 spaces. There is a total of 14 parking spaces, plus enough space for 3 vehicles within the building for a total of 17 spaces.

REVIEW COMMENTS: Notices were sent within a 200' radius of the site, and as of the date of this write-up (1/5/17), staff has not received any comments in favor or against the CUP.

RECOMMENDATION: Approval subject to a 3 year re-evaluation.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Mr. Jaime Gutierrez moved to approve the conditional use permit as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion was approved unanimously.

Started: 5:42 p.m.

Ended: 5:43 p.m.

Item #2.0

Conditional Use Permit:

**To Place a Portable Building for Office Use
A 1.52 acre tract of land out Lot 172,
John H. Shary Subdivision
C-3
Austin Payne – Payne Auto Group**

Mr. Jaime Acevedo stated that as per applicants request the item be taken off the agenda and take no action.

Therefore there was no action taken on the item.

Started: 5:43 p.m.

Ended: 5:44 p.m.

Item #2.1

Tabled Rezoning:

**A 0.712 acre tract of land out of Meadow Creek
Country Club Phase I-A Subdivision
PUD (AO-P) to PUD (R1-T)
Olague Bauza**

Mr. Jaime Acevedo stated that as per applicants request the item be removed from the table and take no action in order to bring it back when the applicant is ready.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to remove item from the table. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion was approved unanimously.

Therefore there was no action taken on the item.

ITEM #2.2

Tabled Rezoning:

**A 2.36 acre tract of land, more or less,
out of the Southwest one-quarter (S.W. 1/4)
of Lot 24-9, West Addition to Sharyland Subdivision
AO-I to R-3
Jesus F. Ruiz**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SE corner of Mayberry Road and 21st Street with primary frontage along 21st Street. The dimensions of the tract are 159' x 660' (104,940 square feet).

SURROUNDING ZONES: N: R-3, Multi-Family Residential
E: AO-I, Agricultural Open Interim
W: AO-I, Agricultural Open Interim
S: AO-I, Agricultural Open Interim

EXISTING LAND USES: N: Apartments/Townhouses – Vista Verde/Golf View Manor
E: Shary Municipal Golf Course
W: Shary Municipal Golf Course
S: Single Family Residential
Site: Open acreage

FLUM: The Future Land Use Designation for this property is (AO-I) Agricultural Open Interim.

REVIEW COMMENTS:

At a ratio of 29 units per acre, 68 apartments can be constructed. Based on the surrounding land uses and zones, and the FLUM designation, staff recommends denial. It is noted that 9 notices were mailed to property within a 200’ radius of the site, and as the date of this write-up, staff has not received any comments in favor or against this proposal.

RECOMMENDATION:

Staff recommends denial.

Mr. Jaime Acevedo mentioned that there was a meeting that took place with the applicant and neighbors that had concerns and to our understanding the result was positive and an agreement was made. The neighbors were “ok” with the proposal as long as the applicants reduced the number of units to 32 apartments instead of the 68 that could potentially be built on an R-3, being that the applicant is asking for an R-3 the board can approve an R-2.

Mrs. Diana Izaguirre asked why an R-3 being recommended to be denied.

Mr. Jaime Acevedo mentioned that the application came in as an R-3 is multi-family residential and R-2 is duplex- fourplex.

Mrs. Dianza Izaguirre asked what the zoning was to the north.

Mr. Jaime Acevedo mentioned that it’s zoned R-3.

Mrs. Diana Izaguirre mentioned that why would you deny it.

Mr. Jaime Acevedo mentioned that the use is an R-2 but its zoned R-3. The reason its being denied an R-3 is because of all the traffic that can take place and if we limit to an R-2 we limit traffic, therefore we support an R-2 but not an R-3.

Chairman Sheats mentioned that an R-2 would limit the traffic and noise control. There was word that it might be a gated community.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Laura Ruiz and Jesus Ruiz who reside at 2918 Crisantema were present to address any questions from the board.

Mr. Jesus Ruiz mentioned that there would be 4 drive ways for the complexes and it would be gated all around.

Mr. Jaime Guterrez asked the applicant if he is in agreement to reduce to an R-2.

Mrs. Laura Ruiz stated that after hearing the concerns from neighbors and ourselves would be living in the home nearby. We understand about the concern with the traffic and children. We did come into agreement with an R-2 and the neighbors did agree as well.

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

Mr. Ciro Ochoa an attorney was present to address any question the board may have. Mr. Ciro Ochoa mentioned that he was hired by the neighbors and had a meeting with the applicants and have worked together to come to an agreement and the results came out positive.

There being no discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre moved to approve the rezoning as an R-2 as per applicants request and as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion was approved unanimously.

**ITEM #3.0
OTHER BUSINESS**

There was no other business.

**ITEM #4.0
ADJOURMENT**

There being no further items for discussion, Mrs. Diana Izaguirre moved to adjourn the meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:53 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission