

**PLANNING AND ZONING COMMISSION
FEBRUARY 25, 2015
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
John Guerra
Carlos Lopez
Mario Garza

P&Z ABSENT

Julio Cerda
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Joe A. Garza
Susana De Luna

GUESTS PRESENT

Corina & Steve Alaniz
Norma Cruz
Margarita Treviño

CALL TO ORDER

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

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR FEBRUARY 11, 2015

Chairman Ned Sheats asked if there were any corrections to the minutes for February 11, 2015. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:04 p.m.

ITEM #1.1

Conditional Use Permit:

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

Mr. Daniel Tijerina went over the write-up stating that the subject site is located within a commercial plaza located on the Northwest corner of Matamoros Street and Bryan Road. The applicant is currently remodeling suites 104 & 105 for a restaurant. Mr. Alaniz is proposing to offer the sale of beer, margaritas, etc. at the restaurant. The applicant currently has an establishment in Palmview.

- Hours of Operation: Monday – Saturday 6am to 9pm and Sunday 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. This proposal does not have a “bar” component and would not be open after 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 for 1 year subject to wet zoning the property and compliance with the sign code.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

The applicant, Mr. Steve Alaniz who resides at 3107 E. 2 Mile Line in Mission was present to address any questions from the Board.

Chairman Ned Sheats asked if this was going to be their second location.

Mr. Alaniz replied, “No, we are just moving to Mission.”

Mrs. Marisela Marin asked when they expect to open.

Mr. Alaniz replied, “March 16th”.

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

Started: 5:04 p.m.

Ended: 5:11 p.m.

ITEM #1.2

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Alcoholic
Beverages – La Mansion Ballroom
507 N. Conway
Lot 8, Blk. 92, Mission Original Townsite Subd.
C-3
Norma Cruz**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located just off the NW corner of Conway and 5th Street. The site has been remodeled and opened as a Banquet and

Conference Center for such activities as weddings, reunions, birthday, parties, seminars, etc. This CUP was last approved on 3-26-12. The banquet hall is 3,700 sq. ft. of which 450 sq. ft. will be used as a dance area and 169 sq. ft. for the band or D.J. The second floor is composed of approximately 900 sq. ft. equating a total of 4,600 sq. ft. The maximum occupancy is 500 people (as per Fire Marshal).

- **Parking:** Typically, parking reflects a need of 46 parking spaces (1 space per 100 sq. ft.). The property is in Mission's Central Business District (CBD); thus, exempt from parking requirements for existing structures.
- **Hours of Operation:** For the most part, these events typically take place during evening hours from about 7:00 p.m. till 2:00 a.m.
- **Sale of Alcohol:** Such uses need to be 300' from residential and Institutional (church) areas. Area residences are beyond 415' and the church is over 500' (measured along the front lot lines via code).
- Planning asked Mission PD for a report of incidents. Mission PD has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

RECOMMENDATION: Since there have not been any incidents since its last approval, Staff recommends approval subject to a 3 year re-evaluation.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

The applicant, Mrs. Norma Cruz resides at 2909 N. Cynthia in McAllen was present to address any questions from the Board.

Chairman Ned Sheats asked Mr. Tijerina how does Americans with Disability Act (ADA) fit in with the City downtown parking ordinance.

Mr. Tijerina stated that since the on-street parking was a State Road they could park on both side of Conway and also on the City's parking lots.

Chairman Ned Sheats asked if there was any Americans with Disability Act (ADA) parking.

Mr. Tijerina stated that he would have to follow up on this because he was not sure.

Mrs. Cruz stated that there was and it was at the end of the street.

Mr. Tijerina stated that as part of the Streetscape Improvement Project the City had provided new Americans with Disability Act (ADA) ramps at this intersection. However on the street parking along Conway there are no spaces designated or marked for Americans with Disability Act (ADA) only within parking lots such as the one on 5th & Conway and 6th & Conway and if they were not designated for Americans with Disability Act (ADA) the Public Works Department would be doing that in house.

Chairman Ned Sheats asked Mr. Tijerina to make sure that Americans with Disability Act (ADA) requirements were met for this business.

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

Started: 5:11 p.m.

Ended: 5:20 p.m.

ITEM #1.3

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Mariscos El Mar Seafood Restaurant
2500 E. Expressway 83, Ste. 100
Lot 5-B, Sharyland Place Subdivision
C-3
Armando Treviño**

Mr. Daniel Tijerina went over the write-up stating that the 1,500 sq. ft. restaurant site is located within the Kohl's Commercial Plaza approximately ¼ mile east of Shary Road along the south side of Expressway 83. P&Z previously approved this CUP on 8/24/11.

- Hours of Operation: Monday – Thursday & Sunday – 10 a.m. to 10 p.m., Friday and Saturday from 10 a.m. until 11 p.m.
- Staff: 5 employees
- Parking: In reviewing the floor plan, there are 64 total seating spaces, which require 21 parking spaces (64 seats/1 space for every 3 seats = 21.3 parking spaces). It is noted that the parking area is held in common (657 parking spaces) and is shared with other businesses. The parking area is also connected and has access to Walmart's existing, interlocking parking lots.
- Sect, 6-4: This request is compliant to Sect.6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or 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.)
- Planning asked PD for a report of incidents. PD has informed us that there have been no incidents at this location in relation to the sale and on-site consumption of alcohol.

RECOMMENDATION: Since there have not been incidents since its last approval, staff recommends approval subject to a 3 year re-evaluation.

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

There was no response.

Chairman Ned Sheats asked if the applicant or representative were present.

Representing the applicant, Mrs. Margarita Treviño was present to address any questions from the Board.

Mrs. Marisela Marin mentioned that their TABC license records indicate that their permit is expires should they renew it before P&Z acts on the item or does it matter.

Mr. Tijerina stated that Mrs. Treviño informed him that they had the information updated already and that it would be provided to staff once her brother came back since he was out of town.

Chairman Ned Sheats asked then if the information is updated why do TABC records indicate that the permit is expired.

Mr. Tijerina stated that he didn't know why it reflected that but if the Board wanted they could 'Table' the item until the applicant provides the updated information.

Chairman Ned Sheats stated that he would not like to stand in someone's way.

Mrs. Marisela Marin stated that she would feel better if they tabled the item because their request is for the sale and on-site consumption of alcoholic beverages and if their permit is expired they can't sell alcohol so why would P&Z want to approve a request without knowing if TABC will reissue their license.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to table the conditional use permit renewal until they provide TABC updated information. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #2.0
OTHER BUSINESS**

**ITEM #3.0
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. John Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:22 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission