

**PLANNING AND ZONING COMMISSION
FEBRUARY 8, 2012
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene Flores
Marisela Marin
Mario Garza
Carlos Lopez
Abiel Flores

P&Z ABSENT

Luann Caudle
Diana Izaguirre

STAFF PRESENT

Sergio Zavala
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Juan Garcia
Conrado Saenz
Conrado Saenz, Jr.
Erasmus Vargas

CALL TO ORDER

Vice-Chair Marisela Marin called the meeting to order at 5:01 p.m.

CITIZENS PARTICIPATION

Vice-Chair Marisela Marin asked if there was any citizens' participation. There was no response upon inquiry.

APPROVAL OF MINUTES FOR JANUARY 25, 2012

Vice-Chair Marisela Marin asked if there were any corrections to the minutes for January 25 2012. There being no corrections, Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:06 p.m.

Item# 1.1

Rezoning:

**Lot 85, Inspiration Manor Subdivision
R-4 to R-1
Brenda Garcia**

Mr. Bobby Salinas went over the write up stating that the subject site is located 200' north of Leandro Street along the east side of Inspiration Road. The site's dimensions exceed R-1 (inner lot) area requirements where the subject lot is 97.03' x 168.87' (16,296+ sq.ft.). The surrounding land uses consist of AO-I (Agricultural Open Interim) to the north, R-4 (Mobile & Modular Home) to the east and south, and R-1 (Single Family Residential) to the west. The surrounding land uses consist of single-family homes to the west and north, and mobile homes to the east and south. The subject site currently has a mobile home. The Future Land Use Map reflects a Moderate Density (MD) designation.

A Single Family land use is within the FLUM parameters of MD. R-1 seems reasonable due to the following:

- Since the lot fronts Inspiration Road, it creates a separation from the interior lots of Inspiration Manor making it more pliable to become an R-1 zone without causing detriment to the mobile home subdivision.
- Exceeds the minimum R-1 lot dimensions of 60' x 100'. (Note: It's actually larger than our R-1A, 'Large Lot', dimensions of 75' x 120').
- There is existing single family homes adjacent to the north and west of the lot. A proposed single family home would work better with the existing surrounding uses.
- A single family residence tends to increase in value and not depreciate as is common with manufactured homes.

Staff recommended approval.

Vice-Chair Marisela Marin asked if there was any public opposition to the request.

There was no response.

Vice-Chair Marisela Marin asked if the applicant or representative were present.

Representing the applicant, Mr. Juan Garcia stated that if the rezoning was approved they wanted to remove the existing mobile home and build a home of approximately 1,400' to 1,700' sq. ft.

Mr. Mario Garza asked Mr. Salinas if staff foresees any problems with the other lots seeking R-1 zone.

Mr. Salinas stated that the lots fronting Inspiration Road may be slowly transitioning to R-1 since they were bigger, but not the inner lots.

Chairman Rene Flores walked in at 5:05 p.m.

There being no comments, Vice-Chair Marisela Marin entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

At this time Vice-Chair Marisela Marin handed the gavel to Chairman Rene Flores.

Mr. Rene Flores apologized for being late to the meeting.

Started: 5:06 p.m.

Ended: 5:10 p.m.

ITEM # 1.2

Conditional Use Permit:

To keep a 12' x 16' Portable Building for

**Use as a Sales Office
1609 E. Expressway 83
Lots 3-6, Mission Palms Plaza Subdivision
C-4
Conrado Saenz, Jr.**

Mr. Bobby Salinas went over the write up stating that the site is located 600' east of Stewart Road along the north side of the Expressway 83 Frontage Road. There was a CUP previously awarded for a landscaping nursery, but they are no longer in business. The applicant is requesting to lease the site for a *Cantera* sales business, utilizing the existing portable building for a sales office.

- Hours of Operation: Monday – Saturday from 10:00 a.m. to 6:00 p.m.
- Staff: 2-3 employees
- Parking: The business requires a minimum of 4 parking spaces. The site has a total of 20 spaces, thus in compliant with code. No outside display will be permitted within the parking area.

When the nursery was open, all of the landscaping items helped obscure the portable from view. With this new business, the owner is proposing to stucco the portable building in order to give the appearance of a permanent building. The portable building will not be a long term land use thus placing temporary stucco on a temporary building is a reasonable measure. Having a camouflaged portable next to a site built structure (dialysis/attorney) is not 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 upgraded with an on-site built structure. Staff recommended approval subject to installing stucco to the building in order to give the appearance of a site-built structure, and perpetual annual re-evaluations.

Chairman Rene Flores asked if there was public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Conrado Saenz was present to address any questions that the Board might have.

Chairman Rene Flores asked if he was willing to put stucco on the existing building.

Mr. Saenz stated that he was willing to comply with all of staff's recommendations.

There being no further comments, Chairman Rene Flores entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as recommended

by staff. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:10 p.m.

Ended: 5:14 p.m.

ITEM # 1.3

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – La Fogata
300 N. Shary Road
Lot 1, El Lugar Subdivision
C-3
La Fogata**

Mr. Bobby Salinas went over the write-up stating that this site is located 1/3 mile north of Expressway 83 along the east side of Shary Road. La Fogata is a family oriented Mexican restaurant and bar. This CUP was approved by P&Z on 11-19-08 for a period of 1 year after the acquisition of the business license. La Fogata's business license, which includes a bar area, was acquired on 1-24-11 and is now seeking renewal of the CUP.

- Hours of Operation: Mondays – Saturdays from 7:00 a.m. to 12:00 a.m. & Sundays from 7:00 a.m. to 10:00 p.m.
- Staff: 114 employees
- Parking: The existing 21,533 sq. ft. building has a grand total of 357 seating spaces, which require 119 parking spaces (357/3 seats = 119). There are a total of 168 parking spaces exceeding code by 49 spaces.
- Landscaping: The applicant is exceeding 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'; however, P&Z and the Council waived this separation requirement in the CUP's previous approval and there haven't been any complaints related to the alcohol's use.

The Mission PD reviewed the records on La Fogata and there were NO incidents regarding the bar/alcohol use. Staff recommended approval subject to a 1 year re-evaluation.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Representing La Fogata Restaurant, Mr. Erasmo Vargas who is the general manager for the restaurant was present to answer any questions that the Board might have.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit subject to staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:16 p.m.

ITEM # 2.1

Site Plan Approval:

**Institutional Use Expansion
Kika De La Garza Building Addition
921 E. 12th Street
Lot 1, Mission Library Subdivision
R-2
Upper Valley Art League**

Mr. Bobby Salinas went over the write-up stating that the 330' x 666' site is located at the NE corner of Kika De La Garza Loop and E. 12th Street. The site currently has the Mission Library located along the western half of the lot and the Upper Valley Art League (UVAL) office located at the SE corner of the lot.

P&Z previously approved a proposal for an addition on the north side of the Kika De La Garza Building on 10-12-11. However, due to cost of demolition, reconstruction, and retrofitting the existing building, it was found to be more cost effective to build a new 2,786.30 sq. ft. addition to the east side of the building, which would also preserve the integrity of the existing building and would provide an additional 270' sq. ft. of workspace. The new addition will be utilized as a work area for indoor welding, sculpting, etc. All building setbacks are exceeded.

- Parking and Landscaping: The required parking for the library and the UVAL building w/the new addition are 98 spaces. There are approximately 177 existing parking spaces throughout the site, exceeding code by 79. In regards to landscaping, there are plenty of trees and shrubs existing on the site compliant to code.
- Hours of Operation: Tuesday – Friday from 11 a.m. to 3 p.m. and 4 p.m. to 7 p.m.; and Saturdays from 2 p.m. to 6 p.m.
- Must meet minimum Fire Codes regarding 'indoor welding' safety features and must comply with typical building codes.

Staff recommends approval subject to compliance to the Fire Marshal's Fire Codes on 'indoor welding' safety features, plus meeting all typical building codes.

Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

Mrs. Marisela Marin asked if they had a drive-thru or was it just a carport.

Mr. Salinas stated that it is a drive-thru and it is to be used to have sculptures exit out or have materials delivered.

Chairman Rene Flores asked if this site plan had already been approved before.

Mr. Salinas stated that the site plan had already been approved for the construction to be on the north side but now that the construction is officially on the east side P&Z would need to reconsider the request.

There being no further comments, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the site plan subject to staff's recommendations. Mr. Abiel Flores seconded the motion. Upon a vote, the motion passed unanimously.

ITEM # 3.0
ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:17 p.m.

Rene Flores, Chairman
Planning and Zoning Commission