

**PLANNING AND ZONING COMMISSION
MARCH 23, 2011
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Rene Flores
Jose G. Vela
Carlos Lopez
Mario Garza

P&Z ABSENT

Luann Caudle

STAFF PRESENT

Sergio Zavala
Robert L. Salinas
Irasema Dimas

GUESTS PRESENT

Juan Jose Chapa
Maria De Jesús Chapa
Juan Jose Chapa G.
Silvia Pulido
Louis Mulleve
Antonio Herrera
Felix Navarro
Roman Avalos

CALL TO ORDER

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

CITIZENS PARTICIPATION

There was no response upon inquiry.

APPROVAL OF MINUTES FOR MARCH 9, 2011

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Garza moved to approve the minutes of March 9, 2011 as presented. Mr. 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:

**A tract of land out of the N. 206.28'
of Lot 31, Sharyland Orchards Subd.
R-4 to R-1A
Isabel M. Escobedo**

Mr. Salinas went over the write up stating that the subject site is located 250' east of Ragland Road along the north side of Pleasant Lane. The surrounding zones include (R-4) Mobile & Modular Home to all directions. The surrounding land uses consist of mobile homes to the west and south, a vacant lot to the east, and a single-family home to the north. The subject site is vacant. The Future Land Use Map reflects a Lower Density (LDA) designation for this area.

The proposed R-1A zone is the primary land use of the LDA FLUM designation. This subdivision primarily has mobile homes but this is not the exclusive land

use...there are several site built homes thereon. The mobile home development pre-existed the 1981 citywide rezoning effort, and at that time, the City chose to impose the R-4 zone to reflect the mobile home use. An alternative that should've been considered would've been to rezone the entire subdivision R-1A and then have the mobile homes gradually replaced with site-built homes thus assimilating better to the current R-1A zone that surrounds it. Staff acknowledges that this lot's dimensions does not reach R-1A's threshold, but this is a minor finding that's compensated by having a uniform R-1A district as well as a site-built home effect. Staff recommended approval to the R-1A zone request.

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

Mr. Roman Avalos from 2115 Deldie Lane asked if he would be forced to build a site built home once the rezoning is approved.

Chairman Sheats replied that it wouldn't, because the rezoning is only for the lot in question.

Chairman Sheats asked if the applicant or representative was present.

Mrs. Isabel M. Escobedo was present to answer any questions.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the rezoning request. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:06 p.m.

Ended: 5:11 p.m.

Item# 1.2

**Rezoning: Lots 4-6, Condy Place Subdivision
C-1 to C-3
Armando Peña**

Mr. Salinas briefed over the write-up stating that the subject site is located on the NE corner of Griffin Parkway and Keralum Ave. The surrounding zones include: (R-1T) Townhouse Residential to the north and south; (C-2) Neighborhood Commercial to the east; and (C-3) General Business to the west. The surrounding land uses consist of a townhouse to the north, a commercial building to the south, Ric Brown Funeral Home to the west and a commercial plaza to the east. The subject site is currently open. The Future Land Use Map reflects a General Commercial (GC) designation for lots 4-6 and a Low Density (LD) designation for Lot 3.

Lots 4-6 lots are toward the corner area of Griffin Parkway and Keralum Avenue; lots that are adjacent to Griffin Parkway are more compatible for a non-res use as recognized by the City's FLUM designation of General Commercial to Lots 4-6. This proposal is directly consistent to the City's vision of a commercial nature, too. Lots 4-6 have access to a paved public alley, which is a typical feature of commercial lots of such depth. The other aspect observed by Staff is that there are commercial zonings to the immediate east, though such lots are C-2 zoned. Please notice that Ric Brown Funeral Home, as seen in the attached zoning excerpt, is 3X+ deeper from Griffin Parkway than the Peña proposal (Lots 4-6), thus Keralum is accustomed to a mixture of res/non-res traffic. Finally, due to the limited size of Lots 4-6, it will only allow a limited # of commercialism where a large % of the property will be used for parking and landscaping (thus the commercial traffic impact is anticipated to be minimal). Staff recommended approval of the rezoning for Lot 4-6.

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. Silvia Pulido from 1511 N. Conway Ave. stated that she is the interested buyer and she was proposing to move her Avon business to that location.

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

Started: 5:11 p.m.

Ended: 5:15 p.m.

Item# 1.3

Conditional Use Permit:

**To move in a 40' X 60' Portable
Building for a Clinic
611 N. Bryan Road
Lot 1, Nuestra Clinica Del Valle Subd.
C-3
Life of Use
Nuestra Clinica Del Valle**

Mr. Salinas briefed over the write-up stating that the subject site is located 400' north of Matamoros Street along the west side of Bryan Road. The applicant is proposing to relocate an existing portable clinic from the City of Alton and install is behind the existing Nuestra Clinica facility on Bryan Road.

- **Hours of Operation:** Monday through Friday 8:00 a.m. – 5:00 p.m., Thursday (Evening Clinic) 6:00 p.m. – 9:00 p.m. and Saturday's 9:00 a.m. – 1:00 p.m.
- **Staff:** 37 employees
- **Parking:** The 2,400 sq.ft. portable and the 8,172 sq.ft. existing building require a total of 59 spaces. NCDV recently added an additional 29 parking spaces to the existing 74 spaces for a total of 103 spaces, exceeding the spaces required by 44.
- **Landscaping and Screening:** As far as landscaping, staff is recommending that **1)** 2 additional 7' –3" caliper ornamental trees be planted along the south side of where the portable will be placed. Staff is also recommending that **2)** the portable be painted to a natural earth tone color and that the building be skirted, these two items will aid in screening the portable from Bryan Road.
- **Review Comments:** Since the portable building will be placed behind the existing building, Staff does not object to the installation of the portable building.

Staff recommended approval subject to: **1)** approval of 1 year to assess traffic safety, **2)** painting the portable to a natural earth tone color and skirting the building, **3)** adding two 7' – 3" caliper ornamental trees along the south area of where the portable is installed, **4)** acquire a business license, and **5)** non-transferability to others.

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. Felix Navarro, Finance Director for Nuestra Clinica Del Valle, stated that the reason why they want to move the portable building was because the clinic is always packed and they wanted to handle the public more efficiently.

Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:18 p.m.

Item # 1.4

Conditional Use Permit:

**Portable Building for Office Use
at "Unique Auto Detail"
1117 S. Shary Road
Lot 1, McManus Subdivision**

C-3
Life of Use
Antonio Herrera

Mr. Salinas went over the write up stating that the subject 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. Young Mi Park 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 existing portable building sits along the easternmost property line over 100' from Shary Road. There is a 47' X 20' section of asphalt where vehicles will be washed; this section includes a parking area that exceeds code with 18 spaces. The site also has existing canopies used as the vehicle drying area.

Having the portable along Shary Road is not be a long term desire of the City when considering aesthetics along 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 subject to: **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 were present.

Mr. Antonio Herrera from 1117 S. Shary Road was present to answer any questions.

Chairman Sheats asked if he was willing to comply with all the requirements.

Mr. Herrera replied that he will comply with all of the requirements.

Chairman Sheats entertained a motion. Mrs. Marin moved to approve the conditional use permit as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:18 p.m.

Ended: 5:24 p.m.

Item # 1.5

Conditional Use Permit:

**'Sale and On-Site Consumption of Alcoholic Beverages and a Drive-Thru Service Window – Mariscos El 7 Mares 2301 E. Griffin Parkway, Suite "D" Lots 10-12, Big Orange Subdivision c-3
Life of Use
Juan Jose Chapa**

Mr. Salinas went over the write up stating that the subject site is located within an existing commercial plaza located on the NW corner of Citrus Lane and Griffin Parkway. This suite was previously 3 Potrillos Restaurant, which was previously approved for a drive-thru by P&Z on 5/14/08. Access to the site is provided through a pair of existing 24' cuts along Citrus and a single 24' cut along Griffin Parkway. After ordering, there is stacking for approximately 3 vehicles. There were no reports of any accidents occurring at this location when it was previously 3 Potrillos Restaurant.

There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4.

- **Hours of Operation:** Everyday from 7:00 a.m. to 11:00 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 4 employees
- **Parking:** the applicant is proposing 80 total seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It is noted that the parking area is held in common (67 existing parking spaces) and is shared with other business.

Staff recommended approval subject to: **1)** acquisition of a business license, **2)** wet zone the property (if needed), and **3)** 1 year re-evaluation to assess this new operation.

Chairman Sheats asked if the driveway cut located in the rear of the parking area through Pizza Hut was in existence.

Mr. Zavala replied that it did. He also mentioned that the City Ordinance does not restrict a daycare, being closer than 300' away from a place that sells alcohol, however it may be a restriction from the state.

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. Juan Jose Chapa the applicant was present to answer any questions; and he informed the board that he was willing to comply with all the requirements.

Chairman Sheats entertained a motion. Mr. Vela moved to approve the conditional use permit as recommended by staff. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:24 p.m.

Ended: 5:27 p.m.

Item # 1.6

Tabled

Conditional Use Permit:

**Home Occupation – “Construction Office”
1210 Elm Street
Lot 6, Block 4, Pecan Heights Subdivision
R-1
Life of Use
Edward De La Tejera**

Chairman Sheats entertained a motion to remove the item from the “Table”. Mr. Garza moved to remove the item from the ‘Table’. Mrs. Marin seconded the item. Upon a vote, the motion passed unanimously.

Mr. Salinas went over the write up stating that the subject site is located at the SW corner of Elm and Bryan Road. Mr. De La Tejera desires a CUP for an office for his construction company. Mr. De La Tejera has indicated that a portion of the home is used for the office, and another portion is used as a residence for one of his employees. The applicant originally proposed to have more than two unrelated people working at the site, which required 90% approval of the surrounding property owners. However, due to the lack of business for quite some time, he now proposes to have one person living at the home, and one additional unrelated employee at the office; thus complaint with typical home occupation codes.

- **Hours of Operation:** Monday – Friday from 9:00 a.m. to 6:00 p.m.

- **Parking:** The two people operating the home occupation park in the rear via the alley's access. Thus, the 'front' parking area is always available. Since the office has minimal traffic (business by appointment only), traffic is not an issue. The Fire Marshal has reviewed the request and did not require any additional fire hydrants at this time. After 1 year, Staff may consider imposing a 5' sidewalk along Bryan though – this can be considered by the applicant should he desire to renew.

Staff recommended approval subject to: **1)** compliance with Sect. 1.56-1 of the Zoning Ordinance, **2)** acquisition of a business license, and **3)** 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.

Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff. Mr. Flores seconded the motion. Upon a vote, the motion passed unanimously.

2.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mr. Vela moved to adjourn. Mrs. Marin seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:27 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission