

**PLANNING AND ZONING COMMISSION  
MARCH 28, 2012  
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Marisela Marin  
Mario Garza  
Carlos Lopez  
Abiel Flores  
Diana Izaguirre  
Ned Sheats

**P&Z ABSENT**

Rene Flores

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Irasema Dimas  
Sonia Marroquin

**GUESTS PRESENT**

Abril Mendoza  
Cesar A. Cerda  
Sergio H. Cerda

**CALL TO ORDER**

Vice-Chair Marisela Marin called the meeting to order at 5:00 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 MARCH 14, 2012**

Vice-Chair Marisela Marin asked if there were any corrections to the minutes for March 14, 2012. There being no corrections, Mr. Ned Sheats 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: 5:04 p.m.**

**ITEM # 1.1**

**Conditional Use Permit:**

**Sale & On-Site Consumption of  
Alcoholic Beverages –  
Sabor Amor Restaurant  
4001 S. Shary Road, Suite 700  
Lot 1, Tech Center No. 2 Subdivision  
PUD  
Abril Mendoza**

Mr. Bobby Salinas went over the write up stating that the 2,400 sq.ft. restaurant site is proposed within an existing plaza located on the SE corner of San Mateo and Shary Road. Access to the site can be from one primary driveway to Shary Road or from separate driveways from San Mateo and San Gabriel. There was previously a sushi restaurant (Varikai By Go Go)

with a CUP for the sale and on-site consumption of alcohol approved on 8/19/09. Since closing back in August 2010, there was another restaurant, however did not offer alcoholic beverages, thus no CUP was required. The new applicant wishes to open a new restaurant that will offer beer and wine.

- **Hours of Operation:** Tuesday through Thursday from 11:00 a.m. to 11:00 p.m., Friday and Saturday from 12:00 p.m. to 12:00 a.m., and Sunday from 12:00 p.m. to 6:00 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 3
- **Parking:** In viewing the floor plan, there are 32 total seating spaces for the restaurant, which require 11 parking spaces (32 seats/3 = 10.6 parking spaces). It is noted that the parking area is held in common (150 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' of the subject site, thus being compliant to Chapter 6, Section 6-4.

Since there was an existing restaurant that sold alcohol prior to this proposal, would not be open after 12:00 a.m. at the latest, and the sale of alcohol does not seem to be the primary intent, staff does not object to this proposal. Additionally, notices were sent to property owners within 200' radius of the site and there have been no comments in favor or against this request forwarded to the Planning Department. Staff recommended approval subject to: **1)** a 1 year re-evaluation to assess this new operation, and **2)** must acquire a business license.

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.

Mrs. Abril Mendoza the applicant was present to answer any questions.

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

**Started: 5:04 p.m.**

**Ended: 5:19 p.m.**

**ITEM # 1.2**

**Conditional Use Permit:**

**Drive-Thru Service  
Convenience Store  
1401 N. Conway Ave.  
The W. 140' of Lot 7,  
Block 230, M.O.T.  
C-3  
Cesar A. Cerda**

Mr. Bobby Salinas went over the write up stating that the subject site is located on the NW corner of 14<sup>th</sup> Street and Conway Avenue. The applicant is proposing to remodel the existing Optima Tires building to be able to open a new 22' x 32' (704 sq.ft.) drive-thru convenience store. An existing 24' drive provides access off of 14<sup>th</sup> Street, which will lead to a 12' drive thru lane. The lane allows stacking for approximately 6 vehicles.

- **Days/Hours of Operation:** Sunday through Friday from 12:00 p.m. to 12:00 a.m. and Saturday from 12:00 p.m. to 1:00 a.m.
- **Staff:** 4 employees
- **Parking:** In viewing the floor plan, the building equates to 704 sq.ft., which requires a minimum of 5 parking spaces. There is also an existing tire shop (requires 7 spaces), a proposed carwash (requires 4 spaces), and an existing water dispensing unit (requires 4 spaces) for a total of 20 spaces. The applicant is providing 20 parking spaces, thus compliant to code.
- **Landscaping:** The applicant currently has several trees and plants on the site and is proposing an additional landscaped island north of the drive thru, thus in compliance with code.
- Upon an inspection of the site, staff noticed a temporary banner sign. In speaking to the owner, he has agreed to remove the banner.
- All Building, Fire, and Health Codes must be met prior to obtaining a business license.

Staff recommended approval subject to: **1)** a 1 year re-evaluation to assess traffic circulation for the new business, **2)** must comply with the Building, Health, and Fire's requirements, and **3)** must obtain a business license.

Mr. Bobby Salinas stated that staff received a letter in opposition from Mrs. Connie Garza (see Attachment 'A').

Vice-Chair Marisela Marin asked if there any questions for staff.

Mr. Ned Sheats mentioned that in the presentation it shows that the cars were going in thru 14<sup>th</sup> Street and exiting out to Conway Avenue, but the

exhibits show the cars going in through Conway and exiting through 14<sup>th</sup> Street, which to him it would be more logical to enter through Conway.

Mr. Sergio Zavala stated that staff was concerned with the stacking of vehicles into Conway Avenue and that was the reason why they met with the applicant and they decided to change the direction of traffic.

Mr. Ned Sheats asked if there were any bicycling lanes along Conway south of Griffin Parkway.

Mr. Mario Garza replied that there were none.

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

There was no response.

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

Mr. Sergio H. Cerda, brother of the applicant was present to answer any questions from the board.

Mr. Ned Sheats mentioned that he noticed that there were some spotlights at the location and he just needed to make sure that they were facing down and that they wouldn't be disrupting the residential properties around the site.

After a brief discussion, Vice-Chair Marisela Marin entertained a motion. Mr. Mario Garza moved to approve the conditional recommended by staff. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:19 p.m.**

**Ended: 5:23 p.m.**

**ITEM # 2.0**

**Site Plan Approval:**

**Construction of 43 Apartments  
2.47 ac. tract out of Lot 165,  
John H. Shary Subdivision,  
AKA Lot 1, Verona Subdivision U/R  
R-3  
Everardo Sustaita Piceno**

Mr. Bobby Salinas went over the write-up stating that the subject site is located south of Walmart, west of the Reserve at Cimarron. The site is a

flag shaped lot. The frontage along Colorado Street will be dedicated as a public access easement for use by adjoining non-residential users and will lead to the apartment development. (The site is currently undergoing subdivision through the administrative approval process).

**PROPOSAL:** The developer wishes to build 3 two-story complexes containing a total of 43 apartments in all (14 – one bedroom & 29 – two bedroom) for a total area of 48,326 sq.ft. All apartments will be divided by 1 hr. rated firewalls. The apartments will be fully enclosed with private gates. Gates must comply with the requirements of the Fire Marshal's office. There will also be proposing gym and swimming pool amenities for the apartments.

**SETBACKS:** The minimum required setbacks based on the subdivision are: Front: 30', Rear: 15', Sides: 6'. All setbacks are exceeded.

**PARKING:** The 43 units are calculated to require 86 parking spaces based on the 2:1 parking ratio. The developer is proposing 89 parking stalls, thus exceeding code. The developer is also providing a wrap around fire lane in lieu of a dedicated alley, which seems to have worked well in other developments, for ex. Reserve at Cimarron to the east of the site.

**LANDSCAPING:** 10% landscaping/green area with a minimum of 7-3" caliper shade trees is required for multi-family developments. The developer is providing 14.7% green area with 25 trees and a combination of plants, and shrubs. There will also be a median installed within the public access easement with 5 trees to be maintained by the developer.

**OTHER COMMENTS:** Payment of Capital Sewer Recovery Fee in the amount of \$4,460.00 (14 one bedroom apartments x \$70.00 = \$980.00 and 29 two bedroom apartments X \$120.00 = \$3,480.00), and payment of Park Fees in the amount of \$12,900.00 (\$300.00/apartment).

Staff recommended approval subject to: **1)** subdividing the property, **2)** pay capital sewer recovery and park fees, **3)** provide a minimum of 7 – 3" caliper shade trees, and **4)** gated entrances to be approved by the Fire Marshal.

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

There was no response.

Mr. Garza mentioned that he didn't have any problem as long as the applicant knew all the requirements.

There being no comments, Vice-Chair Marisela Marin entertained a motion. Mr. Ned Sheats moved to approve the site plan approval subject to staff's recommendations. Mrs. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM # 3.0**  
**ADJOURNMENT**

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:24 p.m.

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Marisela Marin, Vice-Chair  
Planning and Zoning Commission