

**PLANNING AND ZONING COMMISSION
MARCH 9, 2011
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Luann Caudle
Rene Flores
Jose G. Vela
Carlos Lopez
Mario Garza

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Robert L. Salinas
Patricio Martinez
Irasema Dimas
Sonia Carnes

GUESTS PRESENT

Andy Lee
Clint Paroulek
Kelly Heller-Vela
Jose Arvizu
Jorge Gonzalez
Sara Arvizu

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 FEBRUARY 23, 2011

Chairman Sheats asked if there were any corrections to the minutes. There being no corrections, Mr. Vela moved to approve the minutes of February 23, 2011 as presented. Mrs. Caudle seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:14 p.m.

Item# 1.1

Conditional Use Permit:

Drive-Thru Service Window

804 S. Shary Road

Lot 4, Cimarron Crossings Ph. II Subd.

C-3

Life of Use

McDonald's Restaurant

Mr. Salinas went over the write up stating that the subject site is located 250' south of Expressway 83 along the west side of Shary Road. The applicant is currently remodeling the restaurant and is also proposing to add an additional menu board to be located to the west adjacent to the existing menu board. The additional lane will provide customers another route to order more promptly and allows for additional stacking. Access to the site is provided from an existing 45' driveway on Shary Road and is interconnected to adjoining commercial others.

- **Days/Hours Operation:** Monday – Sunday 5:30 a.m. to 12:00 a.m., Drive-thru –24 hours.
- **Staff:** 8 (shifts)
- **Parking:** There is a total of 130 seating spaces which require 43 parking spaces (135/3seats=). There are a total of 45 parking spaces, thus exceeding code by 2.
- **Landscaping:** The applicant is removing a portion of the green area along the rear of the property in order to provide for the additional lane. The removal of the green area includes an existing shade tree, which under our tree preservation ordinance, will have to be replaced. Staff is requesting two 7' tall 3" caliper shade trees along Shary Road, to both compensate for the removal of the green area and existing tree and to provide additional aesthetics along the frontage area of the site.
- There will also be a 5' sidewalk required along Shary Road.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess traffic patterns, **2)** installation of a 5' sidewalk along Shary Road, and **3)** installation of 2 additional shade trees along Shary Road.

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

There was no response.

Chairman Sheats asked if the applicant or representative was present.

Mr. Andy Lee from Houston, Texas stated that he was representing McDonalds.

Chairman Sheats asked if he had met with staff and understood all the requirements.

Mr. Lee replied 'yes'.

Chairman Sheats mentioned that for 10 years he was a customer at least 2 times a week since he used to work on Military Highway. He stated that the McDonald's parking lots was one of the worst parking lots that he had seen. He mentioned that is the only parking lot that he has seen that has 10 lanes coming in and out of it. He stated that the board was not certainly there to tell McDonald's how to run its business and probably adding the other lane could be the only thing that he can do. He explained that the site plan layout would not work since it would only allow a 1-car staking and the solution could be re-striping the directional arrows.

Mr. Lee stated that he completely understood the Chairman's concern and stated that he worked on the site when it was first developed. He stated that they added ingress on the front side of the property and at that time McDonald's was

not doing double drive-thru. He stated that one thing that he was going to suggest to his client was to change the striping on the west showing that the 2nd lane could only be access from the Expressway of the rear of the property and that way it could add to the stacking.

Chairman Sheats asked if the exit on the rear of the property could be sealed out.

Mrs. Caudle replied that it couldn't because it was an alley, because the property owner of the future development wouldn't have access.

After a brief discussion between Chairman Sheats and Mrs. Caudle in reference to the access on the rear of the property, Mr. Salinas stated that before they went any further, the access was for commercial circulation and that the city wants it to remain.

Mrs. Caudle mentioned that she couldn't imagine how they could service more people than what they already have.

Mr. Lee stated that the advantage of the drive-thru is that it would speed up the process of the orders. He also asked the board is they could approve the CUP for Life of Use.

Chairman Sheats replied that since this area is congestive, they would like to see the effect of the new lane within the year.

After a brief discussion, Chairman Sheats entertained a motion. Mr. Vela moved to approve the conditional use permit request. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:26 p.m.

Item# 1.2

Conditional Use Permit Renewal:

**Drive-Thru Business
1708 W. Griffin Parkway
Lot 2, Barrera Subdivision &
Lot 74, Las Misiones Subdivision
C-3
Life of Use
Jorge Gonzalez**

Mr. Salinas briefed over the write-up stating that the subject site is located on the SW Corner Kirk Avenue and Griffin Parkway. The subject site currently has an existing drive-thru convenience store. Access to the site is provided off of Griffin Parkway through an existing 16' concrete driveway. The building

measures 40' by 45' for a total of 1,800 square feet. On 2/24/10, P&Z had approved the drive-thru business subject to: **1)** a 1 year re-evaluation, **2)** install tire stops between the residential and commercial property, **3)** match the sidewalk elevation along Kirk Avenue with the existing, **4)** provide fence to southern property line of Lot 74, **5)** provide landscaping to meet code, **6)** install sidewalks along Griffin Parkway, **7)** acquire business license, **8)** install trash buffer, and **9)** wet zone the property.

The applicant did meet the majority of the items however, is still lacking a small portion of sidewalk to match the elevation of the driveway along Kirk Avenue.

- **Days/Hours of Operation:** Everyday from 7 a.m. to 12 a.m.
- **Staff:** 2 employees (applicant and wife)
- **Parking:** Some landscaping was installed however we would like to see at least 3 additional 7' – 3" caliper shade trees along the areas of Griffin Parkway and Kirk Avenue and for better maintenance of the green areas in general.
- **Signs:** The sign located along Griffin Parkway is a portable sign attached to a pole, which does not meet code. The sign must be removed. A new "permanent" sign may be installed as long as a sign permit is obtained and the sign meets setbacks requirements.

Staff recommended approval subject to: **1)** 6 months re-evaluation to assess this new operation, **2)** install 3 additional shade trees along the areas of Griffin Parkway and Kirk Avenue and maintain the existing green areas as well, **3)** comply with the City Sign Ordinance, and **4)** finish the section of sidewalk along Kirk Avenue.

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. Jorge Gonzalez was present to answer any questions from the board.

Chairman Sheats asked Mr. Salinas to translate to Mr. Gonzalez and to explain the requirements.

Mr. Salinas explained to Mr. Gonzalez all the requirements and he stated that Mr. Gonzalez was questioning the reason why he needs to remove the sign and finish the sidewalk.

Chairman Sheats stated that Mr. Gonzalez needs to remove the sign because it was unsafe and it was not negotiable. He also mentioned that either he states

that he will comply with everything or the board will deny the conditional use permit.

Mr. Salinas explained to Mr. Gonzalez the Chairman's comments. After that he stated that Mr. Gonzalez would comply but that he mentioned that the sidewalk was previously approved the way it was by Mr. Zavala.

After a brief discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as recommended by staff and finishing the sidewalk along Kirk Avenue. Mr. Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:26 p.m.

Ended: 5:28 p.m.

Item# 1.3

Conditional Use Permit Renewal:

To have a mobile home for

The use of a Sales Office

107 International Blvd.

Lot 2, Mission Business Park Subd.

I-1

Life of Use

Jose Arvizu

Mr. Salinas briefed over the write-up stating that the subject site is located approximately 600' south of U.S. Expressway 83 along the east side of International Blvd. south of Tractor Supply. After several re-approvals where no one has objected to this mobile office, the applicant has told staff that there is hardly any on-site activity but – if there is – they'd like to keep it for now to meet with the few clients/customers that they have.

On 2/10/10 the CUP was approved with the warning that as the subdivision continues to be upgraded with site built structures, any future renewal for the mobile office may not be permitted since it would be too contrasting to the surrounding permanent buildings.

Staff recommended approval subject to a 1-year re-evaluation to keep close scrutiny of the area; and a continued alert that the mobile CUP may not warrant future renewals as noted above.

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. Sara Arvizu and Mr. Jose Arvizu were present to answer any questions.

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: 5:28 p.m.

Ended: 5:32 p.m.

Item # 2.0

Site Plan Approval:

**Construction of Classroom Bldg. "E"
For IDEA Academy
Lot 1,
IDEA Public School Subdivision
PUD
IDEA Public School**

Mr. Salinas went over the write up stating that the subject site is located 3,000' south of Mile One South along the west side of Schuerbach Road. The proposal is to build a new classroom/computer room building and the re-location of four portable buildings along the southern area of the campus. The applicant is also proposing 43 additional parking spaces.

The minimum required setbacks based on zoning are: Front: 35', Rear: 5', Sides: ½ the heights of the building or 0' if fire rated. The applicant is exceeding all required setbacks. The classroom expansion has a total of 12 classrooms, which require 18 parking spaces (1.5 parking spaces per classroom) and 2,700 sq.ft. for offices, which requires 10 spaces. The applicant is proposing a total of 43 additional parking spaces exceeding code by 15.

Access to Building "E" is provided through an existing driveway access off of Schuerbach Road leading to the additional parking located along the eastern area of the lot. Access to the portables will be from an existing driveway along the southern perimeter of the lot.

The Fire Marshal has reviewed the proposal for emergency access where the applicant is completing the fire lane looping around the entire campus. The Fire Marshal and our Public Works Department have reviewed and approved the fire hydrant locations, water, and sewer services. However, we would need to have IDEA dedicate additional easements by separate instrument for the new utilities and hydrants. In regards to detention and drainage, the City Engineer would need to ensure that the applicant is still meeting the detention requirements.

Staff recommended approval subject to: **1)** dedicating additional utility easements for re-locations and extensions of utilities and **2)** detention and drainage to be approved by the City Engineer.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Kelly Heller Vela from Melden & Hunt stated that they were willing to comply with all the requirements.

Chairman Sheats entertained a motion. Mrs. Caudle moved to approve the site plan as recommended by staff. Mr. Vela seconded the motion. Upon a vote, the motion passed unanimously.

3.0 ADJOURNMENT

There being no further items for discussion, Chairman Sheats entertained a motion to adjourn. Mrs. Caudle moved to adjourn. Mr. Garza seconded the motion. Upon a unanimous vote, the meeting adjourned at 5:32 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission