

**PLANNING AND ZONING COMMISSION  
MAY 27, 2015  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Carlos Lopez  
Mario Garza  
Julio Cerda

**P&Z ABSENT**

Marisela Marin  
Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Joe A. Garza  
Susana De Luna

**GUESTS PRESENT**

Omar Flores, Jr.  
Nellie Rodrigue  
Gerardo Sisniega  
Rick Rodriguez  
Minerva Garcia  
Sergio Haro  
Rafael Reyna  
Devin Zamora  
Richard A. Garza  
Jason Billman  
Oscar Madrigal  
Jose Luis De La Tejera  
Aracely & Rene De La Cruz  
Aaron Balli

**CALL TO ORDER**

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

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR MAY 13, 2015**

Chairman Sheats asked if there were any corrections to the minutes for May 13, 2015. Mr. Mario Garza moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:08 p.m.**

**Ended: 5:24 p.m.**

**ITEM #1.1**

**Conditional Use Permit:**

**To Place Los Barriles Ice Cream Mobile Food Unit  
1626 E. Griffin Parkway, Ste. D  
Lot 5, Stewart Village Ph. I Subdivision  
C-3  
Gerardo Sisniega**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located  $\frac{3}{4}$  mile East from Stewart Road on the South side of Griffin Parkway. The applicant's company is the owner of the commercial building on the lot (Kids Rock). The employees may use the restroom facilities within Kids Rock.

- **Hours of operation:** Every day from 10:00 a.m. to 9:00 p.m.
- **Staff:** 4 to 6 employees.
- **Parking:** There are 484 existing parking spaces for the entire plaza. Kids Rock requires 24 parking spaces which plaza has shared parking code is meet.
- A business license is required prior to occupancy
- Must meet the City's Sign Ordinance
- Requires the approval of the Health Department

**RECOMMENDATION:** Approval subject to: 1) 1 year re-evaluation; 2) Must meet the City's sign ordinance; 3) Approval by the Health and Fire Department; and 4) Acquisition of a business license.

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

Mr. Aaron Balli stated that he owned about 25,000 sq.ft. of buildings and lots in that area including the parking lot. He added that they currently had legal issues with some lot owners not being on board on paying assessment fees for the maintenance and landscaping. Mr. Balli stated he was in opposition because a mobile food unit would definitely not look good there and secondly because they were using the parking lot without his permission or an agreement. Mr. Balli mentioned that he was paying assessment fees and insurance on the parking lot. He added that he has actually maintained the parking lot, paid the light and water bills without these people's help for the past 3 years.

Chairman Sheats asked if the mobile food unit was going to be placed on the parking lot.

Mr. Balli stated that it was going to be placed on their lot. He mentioned that there was no common area because it was wiped out when the property was foreclosed. He mentioned that all the buildings were made out of block and to certain uniformity and this trailer would mess up the whole look of the plaza.

Chairman Sheats thanked Mr. Balli for maintaining this property. He added that unfortunately the legal issue with the parking lot would have to be resolved among them.

Chairman Sheats asked if the applicant or representative were present.

Mr. Gerardo Sisniega stated that his father-in-law and him own just that building and operates a business called Kids Rock. He added that they rent the property to 956 cross fit and the ambulance business. Mr. Sisniega mentioned that if the mobile food unit was approved their intention was to place it on the property since they have an agreement with Kids Rock to use their parking spaces and restrooms. He mentioned that they plan to hire 6 to 8 people to work the mobile food trailer in different shifts. He added that if the business works out they plan to build a suite in the future for this business.

Chairman Sheats asked Mr. Sisniega what does he plan to do if the owner of the parking lot decides not to let him parking there.

Mr. Sisniega stated that this was a legal issue and it was his understanding all the property used to be owned by one person who later foreclosed and Mr. Balli purchased several lots including the parking but according to his lawyer the parking is for everybody who owns a lot in this plaza. He added that they want to resolve the problem in the best way possible for everybody. Mr. Sisniega stated that they plan to use the same parking spaces for Kids Rock as they have been doing so.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to deny the conditional use permit. Mr. Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:24 p.m.**

**Ended: 5:44 p.m.**

**ITEM #1.2**

**Conditional Use Permit:                      Sale & On-Site Consumption of Beer & Wine**  
**- Rick's Bar & Grill**  
**1604 E. Griffin Parkway**  
**Lot 11, Stewart Village Ph. I Subdivision**  
**C-3**  
**El Pinguino, LLC**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located within the Stewart Village Commercial Plaza on the SE area of Stewart and Griffin Parkway. The applicant will be operating in total 2,300 sq.ft. of which 1,100 sq.ft. will be dining area and 1,200 sq.ft. will be kitchen and prep area. The previous name of the location was Chill X which was issued a CUP on July 23, 2014 to operate a restaurant and the Sale and On – Site consumption of Alcoholic Beverages. Now that they have changed ownership and CUP's are non-transferable Mrs. Rodriguez is applying for CUP.

- **Days/Hours of Operation:** Sunday thru Thursday 11am to 10pm, Friday & Saturday 11am to 12am.
- **Staff:** 5 employees
- **Parking Requirements:** The restaurant has 43 seats which requires a minimum of 14 parking spaces (43 seats / 3 = 14.3 spaces). It is noted that the parking area is held in common (**517 existing parking spaces**) and is shared with other businesses.
- **Sale of alcohol:** Section 1.56. Conditions of conditional use: The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours (after 10:00 p.m. [12:00 noon]) must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is not visible and cannot be heard from such structures or areas, and must be designed to prevent disruption of the character of adjacent residential areas. The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300-foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

**REVIEW COMMENTS:** The dining area equals to 1,100 sq. ft. and the maximum occupancy is 70 people.

**RECOMMENDATION:** Staff recommends denial based on 1) the limited food menu, 2) the proximity to 19 residential properties, 3) Information provided on TABC License reflects alcohol sales exceeding food sales and is a 2 year renewal request under El Pinguino, LLC (owned by Rene De La Cruz).

Mr. Tijerina stated that staff had received a complaint from the daycare in that area.

Chairman Sheats asked if staff had the complaint in writing.

Mr. Tijerina stated that they had not received the complaint in writing but he believed someone might be present in opposition to the request.

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

Mr. Aaron Balli stated that because of the legal issues with this property they cannot use the parking lot. He mentioned that adding traffic to that area would only add to the problems on the liability insurance for the parking lot he was paying and until that issue is resolved he would feel uncomfortable with any permit being issued there.

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

Mrs. Nellie Rodrigue stated that she was the applicant for the license. She added that they were focusing more on the food than on the beer. Mrs. Rodrigue stated that the previous owner would open only two times a week and they sold more alcohol than food. He added they are proposing to open for lunch until dinner and they will be offering beer and wine but it would not be like a bar it would be more like a restaurant.

Mr. Tijerina stated that he had the opportunity to meet with the applicant and Mr. Rene De La Cruz the previous owner of Chill X and they showed him the inside of the building. He added that they offered karaoke and some special events such as quinceneras, graduation parties, etc.

Chairman Sheats asked Mrs. Rodrigue if they had any flat screens tv's.

Mrs. Rodrigue stated that they had 4 flat screens tv's and a 40" by the register.

Chairman Sheats stated that this would be more like a sport bar.

Mrs. Rodrigue stated that she used to work with guys and they usually wanted to go eat somewhere where they have tv's to watch the sports since they are in the office all day but they were not bars they were restaurants.

Chairman Sheats asked if they were going to open for lunch.

Mrs. Rodrigue stated that they were proposing to open from 11:00 a.m. to 10:00 p.m.

Mr. Cerda asked Mr. Tijerina when Chill X went through the CUP process how was it approved.

Mr. Tijerina stated that they went through the CUP process without any opposition and the limited days that it was going to be open helped them in getting it approved. He stated that he didn't have the minutes for when Chill X was presented to P&Z and Council but he did know they went through the process and it was approved.

Mr. Rene De La Cruz stated that he was the owner of the building and he was leasing it to Mrs. Rodrigue.

Mrs. Araceli De La Cruz whose address is 3308 N. Conway stated that she was the previous owner for Chill X. She added that Chill X was open for 2 years offering a great atmosphere for single, couples, and families with children. She mentioned that during this time they had held private events as well as open to the public. Mrs. De La Cruz stated that they offered karaoke, food, soft drinks, dancing, beer, wine, and peaceful fun atmosphere there was never any disturbances and always with a beer and wine licensed regulated by TABC.

Chairman Sheats asked where was this at.

Mrs. De La Cruz replied, "at Chill X". She added that they also had talent shows, fundraiser, baby showers, anniversaries, graduations, bridal showers, and recitals. Mrs. De La Cruz stated that now Rick's would offer the same services with the same environment the only difference is that now she will have televisions to offer the sports channel and they will be open all week for lunch and dinner with a kids menu. Mrs. De La Cruz invited the Board to check out the restaurant.

Chairman Sheats stated that they had a bar before.

Mr. De La Cruz stated that it was a restaurant not a bar.

Chairman Sheats stated that when you serve more alcohol than food in an establishment it is considered a bar as per TABC and their reports indicate that there was more than 51% of alcohol sold in this establishment.

Mr. Garza asked if they could consider approving the request for 1 year and monitor it to make sure that they are more food sales than beer.

Chairman Sheats stated that he had no problem with Mr. Garza's recommendation. He asked Mr. Tijerina what was the main reason for staff to recommend denial.

Mr. Tijerina stated that it was based on the limited food menu and that there was a daycare facility within the same plaza.

Chairman Sheats stated that there were other businesses like Mario's that also offer alcohol what is the difference between them and this request.

Mr. Tijerina stated that Mario's did not have a conditional use permit because it was BYOB and they don't require a permit from TABC for that.

Chairman Sheats stated that he really didn't see a problem replacing a business with what was there already for 1 year with the understanding that they need to submit the TABC quarterly report to monitor the sale of food. He added that if there is \$100 more in sales for alcohol the first month then the CUP would be revoked.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit for 1 year with the TABC quarterly reports being submitted to staff for review. Mr. Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:00 p.m.**

**Ended: 5:08 p.m.**

**ITEM #1.3**

**Conditional Use Permit:                    To Place a Portable Building for Rolie's Snackland  
1002 Hoerner Drive  
Being a 2.78 acre tract of land out of Lot 214,  
John H. Shary Subdivision  
I-1  
Rafael Reyna**

Mr. Daniel Tijerina went over the write-up stating the subject site is located at the NE corner of Business 83 and Hoerner Drive. There is an existing manufacturing plant on the site (Liberty Manufacturing). Access to this site is available through two driveway cuts along Hoerner Drive. The portable will be installed on the North side of the property.

- **Hours of Operation:** Monday – Sunday from 12p.m. to 10p.m.
- **Staff:** 2-4 employees
- **Parking:** There is plenty of room for parking. However, the striping has faded and must be re-striped. The portable building for the sale of sno cones requires 4 parking spaces.
- Must comply with building, fire, and health codes.
- Must acquire a business license

**REVIEW COMMENTS:** Staff recommends the re-striping of the parking lot in order to ensure that there are sufficient spaces for both businesses as required by the Parking Code and must obtain a business license and health permit.

Mr. Tijerina mentioned that Mr. Martin Garza asked the Fire & Health Department to make their inspection and they are in compliance.

**RECOMMENDATION:** Staff recommends approval subject to:

1. A 1 year approval in order to assess the new business;
2. Stripe 4 spaces;
3. Must comply with all Building, Fire, and Health Codes;
4. Must acquire a new Business License.

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.

Mr. Rafael Reyna who resided at 900 E. Mile 2 Road was present to address any questions from the Board.

Chairman Sheats asked in what conditions is the parking lot because in the pictures it seems that he might put stripes in the parking lot and not have them there after the first rain.

Mr. Reyna stated that the parking lot is a little worn down and the area they intent to use and stripe is behind the building. He added that they plan to clean up to make it look good.

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

**Started: 5:44 p.m.**

**Ended: 5:47 p.m.**

**ITEM #1.4**

**Conditional Use Permit Renewal:           Kitty's Drive-Thru Convenience Store  
501 N. Inspiration Road  
Lot 61, Georgeanna Estates Subdivision  
C-3  
Ramiro Leal III**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NW corner of Inspiration Road and Cuesta Del Sol. This was first approved on July 24, 2013. The subject site currently has an existing plaza, car wash, and a 45' x 22' building with two existing 12' wide garage doors on opposite sides of the building. The applicant converted a dormant structure into a drive thru convenience store. Primary access into the drive-thru business will be from Inspiration Rd. of an existing 27' driveway leading around the building, then exiting out through the same driveway access. There is also an existing entry off of Cuesta Del Sol that may be used by the neighboring residences to the south.

**REVIEW COMMENTS:**

- **Days / Hours of operation:** Sunday – Thursday from 11a.m. to 11p.m. & Friday – Saturday from 11a.m. to 12a.m.
- **Staff:** 4 employees

- **Parking:** The drive thru business measures 990 sq.ft. which requires 5 parking spaces. There are 28 existing parking spaces for the existing plaza and for the drive-thru business, plus enough space for 2 vehicles to be within the building for a total of 30 spaces. Staff does not foresee any issues with parking.

**RECOMMENDATION:** Staff recommends approval for 3 years

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. Trisha Leal stated that she was representing her brother Ramiro Leal who was the owner of Kitty's Drive-Thru. She added that she helped her brother with the business.

There being no discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the conditional use permit as per staff's recommendations. Mr. Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:48 p.m.**

**Ended: 5:50 p.m.**

**ITEM #1.5**

**Conditional Use Permit Renewal:                      Sale & On-Site Consumption of Alcoholic Beverages – Yoko's Sushi Restaurant  
122 S. Shary Road, Ste. K  
Lot 2, Home Depot Subdivision #2  
C-4  
Yoko's Sushi Restaurant, LLC**

Mr. Daniel Tijerina went over the write-up stating that this CUP was first approved by P&Z on October 14, 2009 and renewed on January 25, 2012. The 1,400 sq.ft. restaurant is located 1,200' north of Expressway 83 along the west side of Shary Rd. within a commercial plaza.

- **Hours of Operation:** Sunday – Thursday from 11:00 a.m. to 11:00 p.m. and Friday & Saturday from 11:00 a.m. to 12:00 a.m. Alcoholic beverages are only served during allowable State selling hours.
- All parking, landscaping, and sign codes are being met.
- There have been no negative incidents relating to the CUP within the past year.

Since there are no churches or schools within 300' of the subject site and the sale of alcohol is not the primary use, staff does not object to this proposal.

**RECOMMENDATION:** Staff recommends approval to continue the CUP subject to a 3 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.

Representing Yoko's Sushi Restaurant, Mr. Jose Luis De La Tejera was present to address any questions from the Board.

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

**Started: 5:50 p.m.**

**Ended: 5:56 p.m.**

**ITEM #1.6**

**Conditional Use Permit Renewal: Sale & On-Site Consumption of Alcoholic Beverages – Palms II Lounge  
600 E. 9<sup>th</sup> Street  
Lots 11-15, Block 142, Mission Original Townsite  
C-3  
Ricardo Rodriguez**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the SE corner of E. 9<sup>th</sup> Street and St. Marie. The original CUP for the Palms II Lounge was approved by City Council on 10-11-93 for the life of use. However, since the change of ownership in 2013 and the CUP was not transferable to others, a new CUP was approved on June 26, 2013 for the new owner. This particular building has been in existence for several years and has always been utilized as a bar. Primary access to the bar is off of E. 9<sup>th</sup> Street. They currently do offer various food items available upon request.

- **Hours of Operation:** **Monday – Friday** from 10 a.m. to 12 a.m., **Saturday** from 10a.m. to 1a.m. **and Sunday** from 12 p.m. to 12 a.m. Alcoholic beverages have only been served during allowable State selling hours.
- **Staff:** 3 to 5 employees
- **Parking:** The parking lot for this site is located along the south and east side of the building. It is noted that this site is located within the Central Business District which is exempt from the parking code.
- Planning asked PD for a report of incidents. Staff should have this information by the date of the meeting.

**RECOMMENDATION:** Staff recommended approval for 6 months subject to no games of chance.

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. Ricardo Rodriguez stated that the business hours had changed they were open from 2:00 p.m. to 12:00 a.m. He added that he purchased the business with eight liners not knowing that they were not allowed.

Chairman Sheats stated that the business has been there for more than 14 years.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Guerra moved to approve the conditional use permit for 6 months with no games of chance. Mr. Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:57 p.m.**

**Ended: 6:01 p.m.**

**ITEM #1.7**

**Conditional Use Permit Renewal: El Jalisco Express Drive-Thru Convenience Store  
3300 N. Inspiration Road  
Lot 1, Gomez Estates Subdivision  
C-2  
Devin Zamora**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NE corner of Inspiration Road and Mile 2. The subject site currently has an existing drive-thru business. A CUP for the drive-thru business was last approved on February 26, 2014 for a period of 1-yr. Primary access into the drive-thru business is from Mile 2 Road, then exiting out through Inspiration Road.

- **Days / Hours of operation:** Sunday – Thursday from 11a.m. to 11p.m. & Friday – Saturday from 11a.m. to 12a.m.
- **Staff:** 4 employees
- **Parking:** The drive thru business measures 3,506.1 which requires 12 parking spaces and the existing water mill requires 4 spaces. There are a total of 14 parking spaces, plus enough space for 3 vehicles within the building a total of 17 spaces.

**REVIEW COMMENTS:** Notices were sent to property owners within a 200' radius of the site Staff has not received any complaints regarding the drive-thru business. All appropriate documents attached in your package

**RECOMMENDATION:** Staff recommends approval for 3 year.

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. Devin Zamora whose business is at 3300 N. Inspiration Road was present to address any questions.

Mr. Guerra asked if they had already fixed the parking lot because it had several potholes.

Mr. Zamora stated that they had added sand to the potholes.

Mr. Tijerina stated that the City has started a project to address the potholes. He added that the City will send a letter to the property owner to address the issue now if they don't take care of the potholes in the allotted time then the City will take care of the problem and bill the property owner.

Mr. Guerra stated that he would like to add the potholes issue to staff's recommendation if it was possible.

Mr. Zamora stated that most of the potholes were in the area that was going to be widened but he could take care of them.

Mr. Tijerina advised that the Board that Inspiration Road and Mile 2 Road would be widen by TXDOT.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Lopez moved to approve the conditional use permit as per staff's recommendations including filling the potholes. Mr. Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Sheats entertained a motion to remove the item from the table. Mr. Guerra moved to remove the item from the table. Mr. Garza seconded the motion. Upon a vote, the motion was unanimously approved.

**Started: 6:01 p.m.**

**Ended: 6:12 p.m.**

**ITEM #1.8**

**Tabled Rezoning:**

**1.00 acre out of Lot 235,  
John H. Shary Subdivision  
R-1 to C-2  
Arturo Garcia**

Chairman Sheats entertained a motion to remove the item from the table. Mr. Guerra moved to remove the item from the table. Mr. Garza seconded the motion. Upon a vote, the motion was unanimously approved.

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the NE corner of Shary Road and East 20<sup>th</sup> Street. The dimensions of the tract are 80' x 544.50'.

**SURROUNDING ZONES:** N: R-1- Single Family Residential

**LAND USES:** E: R-1- Single Family Residential

W: R-1- Single Family Residential  
S: R-1- Single Family Residential

**FLUM:** The Future Land Use Map reflects a Low Density (LD) designation.

**REVIEW COMMENTS:** History: A rezoning application was submitted by the applicant to the Planning and Zoning Department requesting a C-3 General Commercial District designation on April 1, 2015. The rezoning request was processed and the item was presented to the Planning and Zoning Commission and City Council with a recommendation of denial by staff.

This request was denied by the Planning and Zoning Commission. However, the City Council remanded the request for consideration and deliberation to the Planning and Zoning Commission as a C-2 request. The tract has frontage to Shary Road, a five lane major thoroughfare with shoulders.

Staff notes the following:

- 1) The property is zoned R-1 Single Family Residential District;
- 2) It is currently in compliance with:
  - a. The Future Land Use Map;
  - b. Surrounding Land uses; and
  - c. Surrounding Zones

It is important to note that there are several components when considering a rezoning request:

- 1) The Future Land Use Map Designation;
- 2) The surrounding land uses; and
- 3) The surrounding zones.

It is noted that this request is not consistent with the adopted Future Land Use Map designation for the subject property. In addition, the surrounding land uses have consistently remained in compliance with the R-1 Single Family Residence District with no effective changes to the surrounding zoning pattern in this area of the community. Therefore, it is the staff's opinion that the highest and best land use for this property is single family residential.

**RECOMMENDATION:** Staff recommends denial of C-2.

Mr. Tijerina stated that in the previous meeting the Board had requested that staff get a legal opinion from the City Attorney in regards to the rezoning request as to whether or not it would be considered spot zoning and in essence it is considered spot zoning. Mr. Tijerina read from "Exhibit A" the conclusion of the legal opinion from the City Attorney in regards to the spot zoning.

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. Minerva Garcia whose address is 2008 N. Shary Road stated in the previous meeting this Board instructed Mr. Tijerina to get a legal opinion in regards to the rezoning and I heard the response from the attorney so I understand that this request is not possible.

Mr. Cerda asked Mr. Tijerina if it was possible for a C-1 or it would be considered spot zoning.

Mr. Tijerina stated that based on the legal opinion from the City Attorney this would still be considered spot zoning.

There being no further discussion, Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to deny the rezoning. The motion died in lack of a seconded. The Board did not make a recommendation for or against the C-2 rezoning.

Chairman Sheats entertained a motion to remove the item from the table. Mr. Garza moved to remove the item from the table. Mr. Garza seconded the motion. Upon a vote, the motion was unanimously approved.

**Started: 6:12 p.m.**

**Ended: 6:16 p.m.**

**ITEM #1.9**

**Tabled Rezoning:**

**0.38 acres out of Lot 184,  
John H. Shary Subdivision  
C-3 to R-3  
Jesus F. Nader  
Nader Revocable Family Trust**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located on the west side of Shary Road on the south side of 1<sup>st</sup> Street behind Denny’s Restaurant. The tract measure as follows: 98.0 x 171.50=13,867 sq.ft. The site has frontage to 1<sup>st</sup> Street.

**SURROUNDING LAND USES:**

- N: AO1 – Agricultural Open Interim
- E: C-3 – General Commercial
- W: R-3 – Multi-Family
- S: C-4 – General Commercial & Heavy Commercial

**EXISTING LAND USES:**

- N: Open Acreage, Mobile Homes & R.V. Spaces
- E: Denny’s Restaurant
- W: Proposed Multi-Family Units
- S: The Home Depot
- Site: The site currently vacant land

**FLUM:** The Future Land Use Map currently shows a GC (General Commercial) designation for the proposed site.

**REVIEW COMMENTS:** The existing zoning and FLUM designation is General Commercial. There are 34 apartments immediately to the west. The applicant is proposing 5 two story apartments.

Mr. Tijerina stated that at the last meeting staff did not have a site plan and the applicant was not present and staff's recommendation was for denial. Now a site plan has been provided, staff has talked to the City Attorney regarding this rezoning and has changed their recommendation for approval.

**RECOMMENDATION:** Staff recommends approval.

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

Mr. Jason Billman stated that he just wanted to know what kind of apartments were being constructed which now he knows. Mr. Billman stated that in the previous meeting they also discussed the connection of the street is it Selena or 2<sup>nd</sup> Street.

Mr. Tijerina replied it was actually 1<sup>st</sup> Street.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Garza moved to approve the rezoning as per staff's recommendation. Mr. Lopez 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. Garza moved to adjourn the meeting. Mr. Guerra seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 6:17 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission