

**PLANNING AND ZONING COMMISSION
JUNE 28, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John Guerra
Carlos Lopez
Jaime Gutierrez
Marisela Marin

P&Z ABSENT

Diana Izaguirre
Julio Cerda

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Kristin J. Warshak
Joel Chapa

GUESTS PRESENT

Gilberto Gutierrez
Juan Jose Chapa
Monica Marin

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 JUNE 14, 2017

Chairman Sheats asked if there were any corrections to the minutes for June 14, 2017. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:06 p.m.

Item #1.1

Rezoning:

**A 3.082 acre tract of land out of the South 4 acres
of Lot 42, Bell-Woods CO's Subdivision "C"
AO-I to R-2
Gilberto Gutierrez**

Mr. Jaime Acevedo went over the write-up stating that the property is located on the east of Trosper Rd. about 1600' north of W. 2 Mile Rd. The lot has a total square footage of 134,263 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Agricultural
E: Agricultural

W: Escobar/Rios Elementary School
S: Agricultural
Site: Multi-Family

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Low Density Residential (LD) land use. When viewing the lots location at Trosper Rd. and W. 2 Mile Rd., R-2 appears to be consistent and perhaps a better land use than the current AO-I zoning. Staff is recommending approval on Item 1.1.

RECOMMENDATION: Approval

Chairman Sheats inquired as to low density being listed as an R-2. Mr. Acevedo clarified that higher densities are listed as R-3s. Chairman Sheats asked for the applicant to stand and give his name and address. Applicant is Mr. Gilberto Gutierrez, who resides at 1613 Sycamore, McAllen, Texas.

Chairman Sheats asked Mr. Gutierrez if he is going to add anything on the property, or just straighten out the development issue.

Mr. Gutierrez stated that the plan for the property would be development. He recently purchased the property two months ago from Plains Capital Bank.

The Chairman asked Mr. Acevedo what the City's intention for Trosper Road in the future.

Mr. Acevedo indicated that Trosper Road will be widened in the future. If Mr. Gutierrez does develop the property, the City will take the right-of-way at that time by either eighty feet (80') wide or at the most one hundred feet (100').

Chairman Sheats asked if there were any opposition to the rezoning.

There being none, Chairman Sheats stated his observation would be to conform to the usage of newly annexed land the City should do the same across the street to the school and the public sometime in the near future. Mr. Acevedo stated the City will be initiating rezoning all schools that are not already public sometime in July or August. Mr. Jaime Gutierrez moved to approve the rezoning as presented. Dr. John Guerra seconded the motion. Upon a vote, the motion to approve the request passed unanimously.

Started: 5:06 p.m.

Ended: 5:09 p.m.

Item #1.2

Rezoning:

A 0.78 acre tract of land out of the South 4 acres

**Of Lot 42, Bell-Woods CO's Subdivision "C"
AO-I to C-2
Gilberto Gutierrez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located east of Trosper Rd. about 1500' north of W. 2 Mile Rd. The lot has a total square footage of 33,982 sq. ft.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Agricultural
E: Agricultural
W: Escobar/Rios Elementary School
S: Agricultural
Site: Commercial

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a Low Density Residential (LD) land use. This is in a recently annexed area where the lot has been used for commercial for years, therefore C-2 appears to be consistent and perhaps a better land use than the current AO-I zoning.

RECOMMENDATION: Approval.

Mr. Acevedo stated that this item is right next to the property that was just approved to be rezoned. Currently at this location there is a vacant warehouse. The applicant, Gilberto Gutierrez wishes to rent or lease out the location for commercial warehouse which would require a minimum of C-2 zoning.

Chairman Sheats stated there were no near residential areas at this particular time, so C-2 will accommodate the noise of whatever warehousing would be there.

Mr. Gutierrez stated his plan was not to rent to any trucking company because it is really loud, or any type of mechanical shop due to the noise. If anything, something that suffices as storage. Eventually, if everything goes well, he would use the warehouse at the location for the complex.

Chairman Sheats stated if things go the way they usually do, that area will be subdivided at a C-2 for local area business that will be perfectly suitable for that use.

Chairman Sheats asked if there were any opposition to this request.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:13 p.m.

Item #1.3

Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages - Mariscos 7 Mares Restaurant
2301 E. Griffin Pkwy, Suite "D"
Lots 10-12, Big Orange Subdivision
C-3
Juan Jose Chapa

Mr. Jaime Acevedo went over the write-up stating that the site is Mariscos 7 Mares seafood restaurant is located within an existing commercial plaza located on the NW corner of Citrus Ln. and Griffin Parkway. This CUP was last approved on 2-22-17 by P&Z and the owner is requesting renewal in conjunction with their TABC license.

- **Hours of Operation:** Every day from 7:00a.m. to 11:00p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 4 employees
- **Parking:** The applicant has 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 businesses.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4 - see 300' radius. Staff asked Mission PD for a report of any incidents in relation to the sale of alcohol. We should have that report by the P&Z meeting date.

RECOMMENDATION: Staff recommends approval for 2 years at which time the applicant will renew their TABC license and Conditional Use Permit.

Mr. Acevedo stated the applicant is here today because the applicant's TABC license has expired, or will be expiring. Staff recommending approval for a two (2) year period so that his approval is in line with that of his TABC license. Nothing has changed. The hours of operations are 7:00 a.m. to 11:00 p.m. There are total of four (4) employees during any given shift. Parking, everything meets code. There are no churches, private or public schools within 300 feet of this subject site. Thus, it is compliant with Section 6-4 which requires that there not be any schools or churches within 300 feet of the site.

Chairman Sheats asked if there were any comments in favor or against the request.

Mrs. Marisela Marin asked when he came in on 2-22-17, he had to go thru public posting in the paper for the full license?

Mr. Acevedo stated this was not the case this time around.

Chairman Sheats requested the Applicant give his name and address. The Applicant is Juan Jose Chapa, 2308 20th Street, Mission.

Chairman Sheats asked the Applicant if he was in agreement with everything the city has placed on the property along the lines of hours of operation, and everything like that? (Question translated to Spanish).

Mr. Chapa replied, "yes."

One thing Chairman Sheats could not see from any of the views of the property were any ADA compliance. (Question translated to Spanish).

Mr. Acevedo replied there were handicap parking spaces further down next to Bob Starks.

Mrs. Marin stated the handicap parking was by Bob Starks. Mr. Chapa replied that his handicap parking was the second one in front of the building as reflected by the hatching.

Mr. Acevedo pointed out to the board that you can see the hatching just to the side.

Mr. Chapa indicated he will re-paint the parking space so that it would be brighter.

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

ADJOURNMENT

There being no further items for discussion, Mr. Jaime Acevedo moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:13 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission