

PLANNING AND ZONING COMMISSION
JUNE 8, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
Julio Cerda

P&Z ABSENT

Maricela Marin
John Guerra
Diana Izaguirre

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Susana De Luna
Jesus Gonzalez

GUESTS PRESENT

Ismena & Abdiel Garcia
Edelir Garza
Enrique Fabela
Andrew Rivera
Sylvia S. Vasquez
Arturo Villarreal

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 25, 2016

Chairman Sheats asked if there were any corrections to the minutes for May 25, 2016. Mr. Mario Garza moved to approve the minutes as corrected. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:01 p.m.

Ended: 5:06 p.m.

Item #1.1

Rezoning:

**Lots 5 & 6, Block 180,
Mission Original Townsite Subdivision
R-1 to R-2
Enrique Fabela**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NE corner of Holland Avenue and W. 10th Street.

SURROUNDING ZONES:

N: R-1 Single Family Residential
E: R-2 Duplex-Fourplex Residential
W: P Public
S: C-4 Heavy Commercial

EXISTING LAND USES:

N: Single Family
E: Multi-Family Residential

W: Public (Marcell Elementary)
S: Commercial

FLUM: The Future Land Use Map reflects a LD designation.

REVIEW COMMENTS: The predominant land use is long standing Single Family (R-1). The Future Land Use Map reflects Low Density (LD) Residential; reflecting that R-1 remains the best compatible use for the neighborhood. Rezoning the site R-2 would appear to have a detrimental devaluation to the surrounding Single Family neighborhood.

RECOMMENDATION: Denial.

Chairman Sheats asked if the applicant or representative were present.

Mr. Enrique Fabela was present to address any questions from the Board.

Chairman Sheats asked how many units were being proposed.

Mr. Fabela stated that he was proposing to have 3 units on each lot.

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

There was no response.

Mr. Mario Garza asked if staff had received any opposition.

Mr. Acevedo stated that one 1 person had called the office in opposition but once they drove by the site and saw that there were other apartments in that area he no longer was in opposition.

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

Started: 5:06 p.m.

Ended: 5:11 p.m.

Item #1.2

**Conditional Use Permit: To Place a 24' x 60' Portable Building
915 W. Expressway 83
Lot 1, Nido de Aguila Subdivision
P
Luz Para Las Naciones Church**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SW corner of S. Olmo Street and south side of U.S. Expressway 83 Frontage Road. The

applicant wants a CUP to place a 24' x 60' Portable Building for instructional use. Currently, Luz Para Las Naciones has a K-5th grade accredited curriculum, if approved the portable building will add grade 6 to their curriculum. The future plans are to have grades K-12 on a permanent building. The use of the proposed portable building will be for a period of 3-5 years only, until the permanent facilities are constructed. Access to the site will be off of U.S. Expressway 83 Frontage and South Olmo Street.

- **Hours of Operation:** Monday – Friday from 8:00a.m. to 3:30p.m.
- **Staff:** 2 teachers and about 40 students will occupy the portable building
- **Parking:** With regards to parking, the educational component of the church will operate during non-church hours and utilize the existing 238 parking spaces on-site.
- **Landscaping:** Landscaping requirements for the church are in compliance.
- **Other:** As is required with portable building, staff will require that the building be skirted with solid skirting.

REVIEW COMMENTS: It is not uncommon to have a portable building in educational settings. The portable being setback 39' from Olmo Street and 134' from 1 Mile South will help lessen its visibility from Expressway 83. Staff knows that having a portable building along Expressway 83 may not be a long term desire of the City when considering aesthetics along a major corridor. Staff does not object to this CUP since in the near future the portable will be upgraded with an on-site built structure.

RECOMMENDATION: Staff recommends approval subject to:

1. A 3 year re-evaluation to assess this new CUP;
2. Installation of skirting around the perimeter of the portable building;
3. Must comply with all Building and Fire Codes.

Chairman Sheats asked if the applicant or representative were present.

Mr. Edelir Garza stated that he was representing Luz Para Las Naciones Church and they were proposing to have a portable building for 2 classrooms.

Chairman Sheats asked if there were in agreement with staff's recommendations.

Mr. Garza replied, "Yes"

Mr. Sheats stated that he just wanted to make sure that they understand that the portable structures were temporary.

Mr. Garza stated that they understand and they want to build a permanent building in the near future.

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

There was no response.

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

Started: 5:11 p.m.

Ended: 5:16 p.m.

Item #1.3

**Conditional Use Permit: To Place a Portable Structure
for the Sale of Food – Fiesta Grocery
208 N. Inspiration Road
Lot 1, Madrigal Subdivision
C-2
Valdemar Cantu**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located 130' north of W. 2nd St. along the east side of Inspiration Rd. within the Fiesta Grocery site. The applicant has operated at this location since 2013. On February 11, 2015 this CUP was denied by the P&Z due to the aesthetics of the portable structure. However, on July 13, 2015 the City Council approved this CUP. The applicant wishes to retain a food cart for the sale of hot dogs on the west side of the Fiesta Grocery store. He is also the person operating the Fiesta Grocery store. Access to the site is from an existing driveway along Inspiration Rd. The existing restroom facilities located within the grocery store will be available.

- **Hours of operation:** Every day from 5p.m. to 10p.m.
- **Staff:** Only the applicant will be running the stand.
- **Parking:** There are approx. 9 spaces available for the grocery store which would be shared with the hot dog cart. There is also plenty of room along the north side of the property, which could be utilized as additional parking if it were properly striped.

REVIEW COMMENTS: We have seen several hot dog carts come before us which are also located along Inspiration Rd. Staff understands the previous concerns voiced by the P&Z regarding these types of carts. With that in mind and the fact that these types of carts do not improve the aesthetics of the area, it is difficult for Staff to be in favor of this request. We do note however, that we have seen where the City Council has voted in favor of such requests in order to give the applicant's an opportunity to generate some business.

1st RECOMMENDATION: Denial since this area needs its aesthetics enhanced, not detracted.

2nd RECOMMENDATION: If P&Z is leaning toward approving the CUP as proposed, then you may consider approval subject to a 1 year re-evaluation to monitor this operation.

Chairman Sheats asked if the applicant or representative were present.

Mr. Valdemar Cantu stated that he was willing to fix up the building to comply with staff's recommendations. He stated that he would be fixing the roof that was damaged with the recent storm.

Mr. Cerda asked when would the roof be repaired.

Mr. Cantu stated that he was proposing to have it fixed within the next week.

Mr. Cerda asked what he was proposing for landscaping.

Mr. Cantu stated that he would add more landscaping if those were the Board's wishes.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendation, including repairing the roof and adding more landscaping prior to going to City Council. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:16 p.m.

Ended: 5:20 p.m.

Item #1.4

Conditional Use Permit:

**Portable Building for Monchi Loko Express
1002 Hoerner Drive
Being 2.78 acres tract of land out of Lot 214,
John H. Shary Subdivision
I-1
Andrew Rivera**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the NE corner of Business 83 and Hoerner Drive. On May 27, 2015 the P&Z granted a CUP at this location for 1 year to Rafael Reyna for the use of a portable building for Rolis Snackland. That CUP has expired and the new owner Andrew Rivera would like a similar CUP at the same location. 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 -see photos.

- **Hours of Operation:** Monday – Sunday from 12p.m. to 9:45p.m.
- **Staff:** 2-4 employees
- **Parking:** The portable building for the sale of sno-cones requires 4 parking spaces. There are 4 stripped parking spaces at this location.
- Must comply with building, fire, and health codes.

- Must acquire a business license

REVIEW COMMENTS: Since the prior owner had operated at this same location for 1 year without any incidents staff does not object to the approval of this CUP.

RECOMMENDATION: Staff recommends approval subject to:

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

Chairman Sheats asked if the applicant or representative were present.

Mr. Andrew Rivera was present to address any questions from the Board.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza 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.

Started: 5:20 p.m.

Ended: 5:23 p.m.

Item #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Mariscos La Chivis
600 N. Shary Road, Suite C & D
Lot 1, Esdras Vega Subdivision
C-3
Zamantha Zaray Guzman**

Mr. Jaime Acevedo went over the write-up stating that the 2,256 sq. ft. restaurant site is located at the Northeast corner of Shary Road and 6th Street with in Lot 1 of Esdras Vega Subdivision. The applicant was awarded a CUP at this location for Suite D by the P&Z on April 8, 2015. However, the restaurant next door has closed down and now the applicant wants to renew her CUP and expand her restaurant and CUP to include suite 'C'.

- **Hours of Operation:** Monday – Sunday - 6:00a.m. to 12:00a.m.,
- **Staff:** 6 employees
- **Parking:** Viewing the floor plan, there are 84 total seating spaces, which require parking spaces (88 seats/1 space for every 3 seats = 28 parking spaces). It is noted that the parking area is held in common (56 existing parking spaces) and will be shared with other businesses.
- **Sec. 6-4:** This request is compliant to Sec. 6-4 which requires that no alcoholic beverages be sold within 300' of a church, public or private school, or public hospital.

There are none of these land uses within the above radius (measured *door to door* for church or hospital; measured *lot line to lot line* for schools.)

RECOMMENDATION: Staff recommends approval subject to a 1 year re-evaluation

Chairman Sheats asked if the applicant or representative were present.

Mrs. Sylvia s. Vasquez stated that she was representing her daughter who is the owner and was unable to attend the meeting.

Chairman Sheats asked Mrs. Vasquez if they were proposing anything different or new than what was previously approved.

Mrs. Vasquez replied, "No". She added that the business was growing and they needed to expand.

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

There was no response.

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

Started: 5:23 p.m.

Ended: 5:24 p.m.

Item #2.0

Request by Ismena Garcia to have P&Z waive 6-month waiting period in order to submit zoning change application for a 0.250 acres, being a part or portion of the Golf Course and Lake Reserve out of Meadow Creek Country Club Phase I-A.

Mr. Jaime Acevedo stated that staff received a letter from Mrs. Ismena Garcia asking that the P&Z Board consider their request to have the 6 month waiting period in order for them to re-submit a zoning change application.

There being no discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the request as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #3.0

OTHER BUSINESS

ITEM #4.0

ADJOURNMENT

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:25 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission