

**PLANNING AND ZONING COMMISSION**  
**JULY 10, 2013**  
**CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Rene A. Flores  
Ned Sheats  
Mario Garza  
Carlos Lopez  
Abiel Flores

**P&Z ABSENT**

Marisela Marin  
Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Susana De Luna  
Patricio Martinez

**GUEST PRESENT**

Jeff Linder  
Yessica Pedraza  
Bobby Bell  
Fred Kurth, P.E.  
Jose Pedraza

**CALL TO ORDER**

Vice Chairman Ned Sheats called the meeting to order at 5:15 p.m.

**CITIZENS PARTICIPATION**

Vice –Chairman Ned Sheats asked if there was any citizens’ participation.

There was no response.

**APPROVAL OF MINUTES FOR JUNE 26, 2013**

Vice-Chairman Ned Sheats asked if there were any corrections to the minutes for June 26, 2013. Mr. Abiel Flores moved to approve the minutes as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:16 p.m.**

**Ended: 5:31 p.m.**

**ITEM #1.1**

**Rezoning:**

**Lots 1 & 2, Yessica Pedraza Subdivision  
AO-I & R-1 to C-1  
Yessica Pedraza**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 1,200 east of Bryan Road along the north side of Griffin Parkway. Yessica Pedraza Subdivision consists of 2 lots one lot with frontage to Griffin Parkway and the other lot with frontage to E. 24<sup>th</sup> Street.

**SURROUNDING ZONES:** N: AO-I – Agricultural Open Interim  
E: R-1 – Single Family Residential &  
C-2 - Neighborhood Commercial  
W: R-1 – Single Family Residential &  
C-1 - Office Building  
S: R-1 – Single Family Residential  
Site: AO-I – Agricultural Open Interim (Lot 1) &  
R-1 – Single Family Residential (Lot 2)

**LAND USES:** The surrounding land uses consist of single family residential homes to the north, west, east and south. There is also a law office west of Lot 1. The subject site currently has a ballet studio that was approved via the CUP process.

**FLUM:** The Future Land Use Map reflects a General Commercial (GC) designation for lot 1 and Lower Density Residential (LDA) for Lot 2.

**REVIEW COMMENTS:** With frontage to Griffin Parkway and a GC designation, Lot 1's conversion to C-1 can be easily recommended, however the request for Lot 2's conversion to C-1 is a little more difficult with the fact that the surrounding properties are all utilized as single family residential homes save for the Agape Christian School to the NE of the Lot. Also, the line of demarcation for the commercial zoning throughout most of Griffin Parkway is approximately 200'+. The one thing may help the conversion for Lot 2 would be the fact that King James Baptist Church Subd. is zoned C-3 from Griffin Parkway to E. 24<sup>th</sup> St., however the land use being a church would require the lot to re-zoned to Public, thus removing the only lot that is all commercial between the two streets.

Staff recommends approval for Lot 1 to be rezoned to C-1 and Denial for Lot 2, due to the surrounding, existing single family land uses, in order to comply with the City's FLUM, and to remain consistent with the existing line of demarcation.

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

Mr. Bobby Bell stated that he and his wife reside at 2314 Orange Avenue. He stated that he lived on the west side of the proposed site and they were very concerned about changing any lot to C-1. Mr. Bell stated that to his understanding on a C-1 they allow businesses to be open mostly from 8:00 a.m. to 6:00 p.m. is that correct.

Vice-Chairman Ned Sheats stated that a C-1 would allow office building something with very light usage and traffic nothing to the extent of convenience stores.

Mr. Bell asked if they were changing the zone to C-1 for the dance studio because currently they had a conditional use permit which had to be reviewed every year.

Vice-Chairman Ned Sheats that he was not sure but the applicant was present and she could answer that question.

Mr. Bell mentioned that they were very concerned about traffic coming from 24<sup>th</sup> Street and the alley. He added that sometimes when they have events people park in the alley which makes it difficult for the residents to get to their property. Mr. Bell mentioned that they would also use the parking lot in the attorney's office immediately next to the ballet studio since they had very limited parking.

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

Mrs. Yessica Pedraza whose address is 1309 E. Griffin Parkway was present to address any questions from the Board.

Vice-Chairman Ned Sheats asked Mrs. Pedraza what were her plans for this property.

Mrs. Pedraza stated that as of right now they were just trying to make the best use of the lot. She added they were proposing to keep the dance studio and if approved on the second lot they wanted to do a shopping plaza, which staff had advised them that it would probably not get approved because of the surrounding residential neighborhoods. Mrs. Pedraza stated that currently they were paying a lot of taxes on a property that was not being used and they just wanted to make a little money out of that lot to make up for their investment.

Chairman Rene Flores walked in at 5:28 p.m.

Mr. Mario Garza stated that he could understand the C-1 for the ballet studio since it was fronting Griffin Parkway, but could not recommend in favor of C-1 for the lot in the back.

There being no discussion, Vice-Chairman Ned Sheats entertained a motion. Mr. Mario Garza moved to approve the request as per staff's recommendations. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Chairman Rene Flores apologized for being late but he was in litigation in Palmview and was not able to get out before 5:00 p.m.

**Started: 5:32 p.m.**

**Ended: 5:38 p.m.**

**ITEM #1.2**

**Conditional Use Permit:**

**Drive-Thru Service Window  
For Panda Express Restaurant  
Lot 1, North Sharyland Commons (U/R)  
C-3  
Panda Express c/o Chris Pope**

Mr. Daniel Tijerina went over the write up stating that the site is located approx. 500' north of Victoria Avenue along the east side of Shary Road. The applicant is proposing to build a new 2,546 sq. ft. Panda Express Restaurant with a drive-thru service window. General access to the site will be provided from a shared 25' access driveway off of Shary Road that will lead into the site to a 12' drive-thru lane. The drive thru service lane will be located on the east side of the building, providing stacking for approximately 10 vehicles.

- **Days / Hours of operation:** Monday-Sunday from 10:30a.m. to 10:30p.m.
- **Staff:** 6 employees (in shifts)
- **Parking:** In viewing the floor plan, the restaurant measures 2,546 sq. ft., which requires a minimum of 34 parking spaces. The restaurant is proposing a total of 53 spaces, exceeding code by 19 spaces.
- Drainage for the site is proposed to be off-site within a drainage swale located to the east of the lot. This was part of the subdivision requirements which had been approved by our previous City Engineer, John Hernandez.
- Must comply with the City's recently adopted landscaping code, inclusive of landscape hedges and 6' masonry trash enclosure.
- Must comply with the City's Sign Ordinance.
- A business license is required prior to occupancy

Staff recommends approval subject to: 1) Approval for 1 year after business license issuance to review the new business; 2) Must comply with landscaping and sign codes; 3) Must acquire a business license; and 4) CUP not transferable to others.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Representing Panda Express, Mr. Jeff Linder from Bannister Engineering who address is 1696 Country Club Drive in Mansfield, Texas was present to address any questions from the Board.

Chairman Rene Flores asked how many restaurants did they have in the area.

Mr. Linder stated that they had one in Weslaco that had been permitted, which was an existing site and they were also looking at another site in McAllen.

Chairman Rene Flores stated that there was one in McAllen already.

Mr. Linder stated that he was just familiar with the ones that were free standing or standalone anything that goes in a retail center would be taken care of by the architect. Mr. Linder stated that he has been working for Panda Express for about 10 years in about 65 stores. He added they have been a very good client and clean business they don't do any franchisee. Mr. Linder mentioned that it was all owned by the Tern family and it was a cash business they sell a lot of orange chicken and were able to take care of things.

Chairman Rene Flores asked if they were from Mansfield.

Mr. Linder stated that they were originally from Rosemead, California.

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

**Started: 5:38 p.m.**

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

**ITEM #2.0**

**Preliminary & Final Plat Approval:**

**David Reyna Mobile Home & R.V. Subdivision  
A 2.122 acre tract of land out of  
Lot 22-1, West Addition to Sharyland Subdivision  
R-4  
Developer: David Reyna  
Engineer: Melden & Hunt, Inc.**

Mr. Daniel Tijerina went over the write up stating that the proposed subdivision is located approx. 300' east of Inspiration Road along the north side of Barnes Street. The developer is proposing 11 R-4 lots for

mobile homes/R.V.s. The developer's engineering firm, Melden & Hunt is asking for 3 variances as follows:

**Variance 1: To permit lots with 93+/- feet in depth.** The Zoning code requires a minimum of 100' in depth for lots zoned R-4. With this being the final tract to be developed in this area (neighbors adjoining both sides of the tract) and the minimum street ROW being 50' causing the reduction to 93', staff does not object to the reduced depth. 93' deep lots permit a maximum manufactured home length of 73'.

**Variance 2: To permit 4,652sq.ft. inner lot areas and a 5,583sq.ft. corner lot area.** The Zoning Code requires a minimum area of 5,000 sq.ft. for inner lots and 6,000 sq.ft. for corner lots. Due to the reduced depth of the lots, the area square footage is also reduced. If Variance 1 is approved, staff has no objection to the approval of Variance 2.

**Variance 3: To make the subdivision private and gated.** This will induce a 'Common Area A' designation for the street. Staff has reviewed this proposal and does not see any detriment to the proposed subdivision or surrounding areas.

Water: A new 8" water line will be extended from an existing 6" line located along the north side of Barnes St. into the proposed subdivision, which will then be looped to an existing 6" water line located to the west of the proposed subdivision along Inspiration Rd. One new fire hydrant is shown pursuant to the direction of the Fire Marshal.

Sewer: In regards to sewer, the developer is proposing to install 11 new taps into an existing 8" sewer line located along the east side of the subdivision. The \$120.00/Mobile Home Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #3022, i.e. 11 lots X \$120.00/Lot = \$1,320.00

Streets & Storm Drainage: The subdivision consists of a single cul-de-sac street proposed to be paved 32 feet back to back. The developer is proposing a gate and median entrance that is proposed to be 38' back to back and will need to be approved by the Fire Marshal and meet the City's standards prior to installation. ROW on Barnes St. is not required by this plat. As for the storm drainage, the developer is proposing to install a set of type "A" inlets and a 24" R.C.P. line that will flow towards the north side of the subdivision, then west through a proposed 24" R.C.P. line that will connect to an existing set of inlets along Inspiration Rd.

Other Comments included: 1) \$300.00/Lot park fee required (\$3,300.00), and 2) Water District exclusion required. Staff recommends approval subject: 1) No objection to the 3 proposed variances; 2) Compliance with the Model Subdivision Rules; 3) Must meet private street maintenance and hold harmless requisites; and 4) Exclusion from the water district.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Fred Kurth from Melden & Hunt stated that he was present to address any questions from the Board and was willing to comply with any requirement.

Mr. Ned Sheats asked if they could save the trees.

Mr. Kurth stated that they would try to save the trees.

Mr. Abiel Flores asked what would be the alternatives for each variance.

Mr. Tijerina stated that without the variances even if they wanted to do a residential lot would be very difficult because they have smaller lots. He added that he didn't think the variances would be detrimental.

Mr. Abiel Flores asked Mr. Tijerina what uses were allowed.

Mr. Tijerina stated that originally this property was zoned R-5, which is a zoning district that the city did away with which would permit homes, mobile homes, RV's, etc. which had smaller lots. He added that now they had to change the zone to R-4 which would require them to have bigger lots.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the rezoning as recommended by staff. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

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

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Ned Sheats seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:47 p.m.

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Rene A. Flores, Chairman  
Planning and Zoning Commission