

**PLANNING AND ZONING COMMISSION
JULY 8, 2015
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Mario Garza
Carlos Lopez
John Guerra
Diana Izaguirre
Julio Cerda

P&Z ABSENT

Marisela Marin

STAFF PRESENT

Daniel Tijerina
Joe A. Garza
Susana De Luna

GUESTS PRESENT

David Salinas
Pedro & Irene Sandoval
Cesar Ibarra
Art Chapa
Orlando J.V. Gutierrez
Mario Reyna
Miguel Vega

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 24, 2015

Chairman Sheats asked if there were any corrections to the minutes for June 24, 2015. Mr. Julio Cerda moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:02 p.m.

ITEM #1.1

Rezoning:

**A 0.39 acre tract of land out of Lot 23-3,
West Addition to Sharyland Subdivision
AO-I to R-1
Nidia E. Espinoza**

Mr. Joe Garza went over the write-up stating that the subject site is located in the area of Los Ebanos Road and Rankin Street on the East side of Los Ebanos Road. The lot fronts Los Ebanos Road.

Brief history: The lot was foreclosed on October 23, 2012 due to lack of payments to the bank. Property was auctioned for sale at the Hidalgo County Courthouse on September 3, 2013 to highest bidder which is the applicant. There is a home on the property which was built in 1979 as per appraisal records. The applicant desires to remodel the home which would require a zoning change as per our zoning code.

SURROUNDING ZONES: N: R-1 Single Family Residential
E: R-1 Single Family Residential
W: R-1 Single Family Residential
S: AO-I Agriculture Open Interim
Site: The site currently has a single family home

EXISTING LAND USES: N: Single Family Home
E: Vacant land
W: Single Family Home
S: Single Family Home

FLUM: The FLUM shows a Low Density Residential (LD) designation.

REVIEW COMMENTS: The proposed zone complies with the City’s Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff recommends approval.

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.

There was no response.

There being no discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre moved to approve the rezoning as per staff’s recommendation. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:02 p.m.

Ended: 5:04 p.m.

ITEM #1.2

**Rezoning: A 15.584 acre tract of land out of Lot 16-9,
West Addition to Sharyland Subdivision
AO-I to I-1
Texas Citrus Exchange
c/o Judy Rodriguez, President & CEO**

Mr. Joe Garza went over the write-up stating that the subject site is located off US Expressway 83 by Business Park Drive. Property has 169.33’ of frontage from the Expressway and approximately 785.51’ South on Business Park Drive.

SURROUNDING ZONES: N: US Expressway 83
E: C-3 - General Commercial

W: AO-I - Agricultural Open Interim
S: I-1 - Light Industrial

EXISTING LAND USES:

N: US Expressway 83
E: South Texas Health System
W: Open Acreage
S: Southwest Steel Coil, Inc.
Site: The site currently Open acreage

FLUM: The Future Land Use Designation for this property is (GC) General Commercial.

REVIEW COMMENTS: Although the FLUM designation is (GC) General Commercial, the surrounding land uses and zones are predominantly industrial and open acreage.

RECOMMENDATION: Staff recommends approval.

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.

There was no response.

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

Started: 5:04 p.m.

Ended: 5:07 p.m.

ITEM #1.3

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Cantina Blue
1522 E. Expressway 83, Suites 108 & 109
Lots 3 & 4, Stewart Plaza Subdivision
C-3
Cesar Ibarra**

Mr. Joe Garza went over the write-up stating that the subject site is located on the SW corner of Stewart Road and Expressway 83. There is a commercial plaza located on the site which has an existing 1,400 sq.ft. restaurant with the sale and on-site consumption of alcohol. Access to the site is provided from a 38' driveway off of Expressway 83. A CUP was approved at this location on December 11, 2013 under El Costeno Restaurant however, since the CUP was not transferable to others and a new operator is evident, this CUP needs to be considered once again.

- **Hours of Operation:** Monday – Sunday – 3:00 p.m. to 2:00a.m.,
- **Staff:** 18 employees
- **Parking:** In viewing the floor plan, the restaurant/bar has a total of 91 seats which requires a total of 30 parking spaces (91 seats/3 = 30.3 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is 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, waiver of the 300' separation, continued compliance with Building, Fire, & Health, and the sale of alcohol to be till 12 a.m.

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. Cesar Ibarra was present to address any questions from the Board.

Ms. Izaguirre asked why staff was recommending that the sale of alcohol only be until 12 a.m.

Mr. Tijerina stated that it was based on direction given by the City Manager through the City Council.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Diana Izaguirre 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: 5:07 p.m.

Ended: 5:10 p.m.

ITEM #1.4

Conditional Use Permit:

To Place a Mobile Food Unit

P&I Sno-Cone Express

4009 N. Inspiration Road

Lot 9, Block 5, Taurus Estates #9 Subdivision

C-3

Irene & Pedro Sandoval

Mr. Joe Garza went over the write-up stating that the subject site is located at the NW corner of Azaela Street and Inspiration Road. The applicant has entered into agreement with the owners of Panaderia Nuevo Leon to use the restroom facilities. Owners of Mobile

Food Unit will have to comply with all Health and Fire codes before City issues Business license.

- **Hours of operation:** Every day from 12:00 p.m. to 9:00 p.m.
- **Staff:** 2 employees.
- **Parking:** There are 24 existing parking spaces for the bakery. The bakery will still in compliance with parking minus the 2 spaces for Mobile Food Unit
- A business license is required prior to occupancy
- Requires the approval of the Health Department

RECOMMENDATION: Approval subject to:

1. 1 year re-evaluation;
2. Approval by the Health and Fire Department
3. Acquisition of a business license.

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. Irene Sandoval & Mr. Pedro Sandoval who reside at 1911 Leandro Street were present to address any questions from the Board.

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

Started: 5:10 p.m.

Ended: 5:12 p.m.

ITEM #1.5

Conditional Use Permit:

Drive-Thru Service Window – Bucks Pizza

2401 S. Shary Road, Ste. A

Lot 1, Riverside Plaza at Sharyland Subdivision

C-3

Thelma Chapa

Mr. Joe Garza went over the write-up stating that the 3,150 sq.ft. Restaurant with a drive-thru service window is located at the SE corner of Shary Road and San Miguel Drive. One of the 24' driveways through San Miguel Drive will enter into parking area towards the 15' drive thru lane. The lane allows stacking for approximately 4 vehicles.

- **Days / Hours of operation:** Monday – Saturday 11a.m. – 10p.m., Sunday 12p.m. – 10p.m.
- **Staff:** 15 employees

- **Parking:** 43 parking spaces are required for Bucks Pizza. The plaza a common parking area of 325 parking spaces which is in compliance with our parking code.

REVIEW COMMENTS: Applicant will have to comply with Health and Fire department for their Business License. Landscaping is in place and meets city requirements.

RECOMMENDATION: Approval subject to a 1 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.

Mr. Art Chapa was present to address any questions from the Board.

There being no discussion, Chairman Sheats entertained a motion. Ms. Diana Izaguirre 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: 5:12 p.m.

Ended: 5:15 p.m.

ITEM #1.6

Conditional Use Permit: **Drive-Thru Service Window**
3009 N. Inspiration Road
Lot C1, Taurus Estates #3 Subdivision
C-3
David Salinas

Mr. Joe Garza went over the write-up stating that the applicant has leased 1,250 sq. ft. within a commercial plaza and he is proposing a drive thru service window to sale of sno-cones and snacks. The 1,250 sq. ft. drive-thru convenience store is located at the NW corner of Inspiration Road and Giselle Street. A 24' drive in the rear of building will provide access to a 13' drive thru lane. The lane allows stacking for approximately 2 vehicles.

- **Days / Hours of operation:** Tuesday – Sunday from 12:00p.m. to 11:00p.m.
- **Staff:** 3 employees
- **Parking:** 4 parking spaces are required for a building this size. The applicant is providing 4, thus compliant to code. Plaza has common parking which is in compliance with parking standards.
- **Landscaping:** Complies with landscaping ordinance for the City.

REVIEW COMMENTS: Applicant will have to comply with Health and Fire department for their Business License.

RECOMMENDATION: Approval subject to a 1 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.

Mr. David Salinas whose business address is 3009 N. Inspiration Road was present to address any questions from the Board.

Chairman Sheats asked if the drive-thru service window was already in operation.

Ms. Izaguirre replied, "No".

Chairman Sheats asked if they were only proposing to sell only sno-cones in that 1250 sq. ft. building.

Mr. Joe Garza stated that they were going to sell snacks and sno-cones only.

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. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:15 p.m.

Ended: 5:18 p.m.

ITEM #2.0

Pre-Final Plat Approval:

Crystal Estates Ph. II

8.05 acres out of Lot 27-2,

West Addition to Sharyland Subdivision

R-1

Developer: DG & GG Investments, LLC

Engineer: Big Engineering (Rene Barrera)

Mr. Joe Garza went over the write-up stating that the proposed subdivision is the second phase of Crystal Estates located at the Northeast corner of Los Ebanos Road & Rebecca Street. The proposed phase of this subdivision will consist of 30 single family lots.

WATER: An internal 8" water line system will provide service to all lots with 1 fire hydrant located via direction from the Fire Marshal's office. The system will be looped by connecting the internal 8" lines to existing 8" lines located within Inspiration Manor Subdivision.

SEWER: An internal 8" system will provide sewer service to the lots as it ties into the existing 8" line network within Phase I. The capital sewer recovery fee will be imposed to the residential lots, being \$200/lot X 30 lots = \$6,000.00.

STREETS & STORM DRAINAGE: The developer is proposing to extend the 50' ROW, 32' B/B Esperanza, Alexa Maria, Rebecca, & Leandro Streets. At the end of each street will have a temporary cul-de-sac and traffic barricade for future development. Storm drainage is accomplished through a 36" storm pipe on Esperanza Street extended south of the subdivision which will discharge to the existing 200' ROW H.C.I.D No1 canal.

OTHER COMMENTS:

Street names to comply with street alignment policy

Comply with all format findings

Must exclude the property from the Water District.

Must provide park fees in the amount of \$300/lot which equates to \$9,000.

Must provide a street light plan for review by staff.

RECOMMENDATION: Approval subject to: 1) Payment of park fees and sewer capital recovery fees, 2) Water district exclusion, and 3) Comply with all other format findings

Chairman Sheats asked if there was any input from the Board.

There was no response.

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

Started: 5:18 p.m.

Ended: 5:21 p.m.

ITEM #3.0

Pre-Final Plat Approval:

**Tres Picos Subdivision, Ph. II
A 2.56 acre tract of land out of
Lot A, Park Subdivision
R-2
Developer: Tres Rios, LLC
Engineer: Nain Engineering**

Mr. Joe Garza went over the write-up stating that the subject site is located approximately 1,000' west of Taylor Road along the north side of Griffin Parkway (the old Mr. Fun's site). The proposed subdivision consists of 5 lots for apartments. The lots measure 104' x 108.52' = 11,286 sq.ft. This subdivision is private and gated approved in Phase I was approved December 11, 2013. The street will be installed during this phase, all other utilities were installed during Phase I.

WATER: The developer installed water service by installing a new 8" line along the east side of the proposed street to serve the new lots. The new line is connected to an existing 8" water line located along the west side of the proposed street from the existing 3A Subdivision and provides a secondary loop to the system by connecting to an existing 8"

line that is tapped on the south side of Griffin Parkway. The developer also installed 5 new fire hydrants located via the direction of the Fire Marshal's office.

SEWER: An 8" and 10" sewer line network is installed within the subdivision which is connected to an existing 10" sewer line located east of the subdivision, within Las Canteras Estates. The Capital Sewer Recovery Fee is normally charged by the number of bedrooms in each apartment. Unless the developer can give us a number of bedrooms per apartment, staff will require \$200/Lot to be paid, where any additional costs will be paid by the owner of the lot at building permit stage which equates to \$1,000.00 (\$200.00 X 5 Lots).

STREETS & STORM DRAINAGE: The subdivision consists of a single street along the west side of the property that begins with a 60' public ROW, 41' B/B street that reduces to 50' ROW, 32' B/B paved street. The 41' main entrance allows for two gates and an island at the northern end. Storm drainage is accomplished through a series of 24" & 30" storm lines and inlets which will connect into an drainage ROW. The developer is providing an outfall of the storm system by tying into an existing 36" drain line located along the north side of Lot A.

OTHER COMMENTS:

- Park Fees - \$300.00/per HUE = \$6,000.00 (20 units)
- Sewer Capital Fee \$200.00/per HUE = \$4,000.00 (20 units)
- Must submit a street light plan for review. Internal lights must be paid by the HOA
- Water District Exclusion
- Must comply with all other format findings

RECOMMENDATION: Staff recommends approval subject to: 1) Must pay capital sewer recovery and park fees; and 2) Must comply with all other format findings.

Chairman Sheats asked if there was any input from the Board.

There was no response.

Representing the developer, Mr. Orlando Gutierrez was present to address any questions that the Board might have.

Chairman Sheats asked if he was receptive to staff's recommendations.

Mr. Gutierrez replied, "Yes".

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the subdivision plat as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #4.0
OTHER BUSINESS**

5.0 EXECUTIVE SESSION PURSUANT TO V.T.C.A. GOV. CODE SEC. 551.001

5.1 Consultation with Attorney Sec. 551.071

A. Concerns regarding Planning and Zoning Bylaws

5.2 The Planning and Zoning Commission will reconvene in open session to take any actions necessary

ITEM #6.0

ADJOURNMENT

There being no further items for discussion, Mr. John Guerra moved to adjourn the meeting. Mr. Julio Cerda seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:21 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission