

**PLANNING AND ZONING COMMISSION**  
**AUGUST 29, 2012**  
**CITY COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Rene Flores  
Mario Garza  
Carlos Lopez  
Abiel Flores  
Ned Sheats  
Marisela Marin  
Diana Izaguirre

**STAFF PRESENT**

Sergio Zavala  
Bobby Salinas  
Annette Zavala  
Julio Cerda  
Sonia Marroquin  
Willy Seguin  
Roberto Salinas

**GUESTS PRESENT**

Omar Alanis  
Art Salinas  
Robert Closner

**CALL TO ORDER**

Chairman Rene Flores called the meeting to order at 5:01 p.m.

**CITIZENS PARTICIPATION**

Chairman Rene Flores asked if there was any citizens' participation. There was no response upon inquiry.

**Started: 5:02 p.m.**

**Ended: 5:10 p.m.**

**ITEM # 1.1**

**Conditional Use Permit:**

**Drive-Thru Service Window For  
"Dairy Queen Restaurant"  
400 N. Shary Rd.  
.894 ac. Tract of land out of Lot 195  
John H. Shary Subdivision  
C-3  
R & L Leasing , LTD**

Mr. Sergio Zavala mentioned the site is located on the NE corner of Shary Road and E. 4<sup>th</sup> Street. The applicant is proposing a new 2,612 sq. ft. Dairy Queen Restaurant with a drive-thru service window. Access to the site will be provided from a 22.5' driveway off of E. 4<sup>th</sup> Street that will lead to a 16' drive-thru lane. The drive-thru service lane will be located on the north side of the building, providing stacking for approximately 7 vehicles. Staff is recommending the installation of a *speed bump* to be located just before the exiting vehicles reach the 25' maneuvering lane.

- **Days/Hours of Operation:** Sunday – Thursday from 10:30 a.m. to 10:00 p.m. and Friday & Saturday from 10:30 a.m. to 11:00 p.m.
- **Staff:** 28 employees (in various shifts)

- **Parking:** In reviewing the floor plan, the restaurant measures 2,612 sq. ft., which requires a minimum of 35 parking spaces. The restaurant is proposing a total of 45 spaces, exceeding code by 10 spaces.
- The drainage plan is meeting code and has been approved by the City Engineer.
- 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. (changeable copy sign, etc.)
- A business license is required prior to occupancy.

**Staff Recommendation:** Approval subject to: 1) 1 year re-evaluation after business license issuance in order to assess this new operation, 2) Installation of a speed bump, 3) Must comply with landscaping and sign codes, 4) Must acquire a business license, and 5) 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.

Mr. Art Salinas, the project engineer, was present to answer any questions from the board.

Chairman Rene Flores asked Mr. Salinas if he was willing to comply with all the requirements.

Mr. Salinas replied that he would comply with all of the requirements.

Mr. Sheats mentioned if the property abuts a subdivision and if they were going to add a fence or add bollards to protect them from any accidents.

Mr. Salinas mentioned they were not but there was a curb along the wall at least 2' from the property line.

After a brief discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as recommended by staff. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:11 p.m.**

**Ended: 5:19 p.m.**

**ITEM # 2.0**

**Preliminary & Final Plat Approval:**

**Sharyland Gold Subdivision  
A 2.93-acre tract of land out  
Of Lot 186**

**Sharyland Orchards Subdivision**

**R-1T**  
**Developer: Aries Construction, LLC**  
**Engineer: Jimmy Closner & Sons**  
**Construction**

Mr. Sergio Zavala mentioned the subject site is located on the SW corner of School Lane and Lucksinger Road. The proposed subdivision consists of 28 townhouse lots. The project engineer is asking for permission to allow a fence buffer to be placed on the alley right of way along the north and east sides of the subdivision due to the abutting ROWs of School Lane and Lucksinger Road. If approved, the developer/owner must perpetually maintain the fence. Staff does not object to the proposal, subject to the signing of a Hold Harmless Agreement, having a related 'maintenance' plat note, and adding this maintenance encumbrance to their deed restrictions.

**Water:** The developer is proposing water service by upgrading an existing 8" asbestos concrete line along School Lane and installing a new 8" line along Lucksinger Road which will provide water to the subdivision with an internal 8" line. The line along Lucksinger will be stubbed to the south for future development. The developer is also proposing 2 new fire hydrants located via the direction of the Fire Marshal's office.

**Sewer:** An 8" sewer line will be installed within the subdivision which will then connect into an existing 12" sewer line located along School Lane. The Capital Sewer Recovery Fee is required at \$200/Lot, which equates to \$5,600 (\$200 x 28 Lots).

**Streets & Storm Drainage:** The subdivision has access to Lucksinger Road, a future 60' ROW, 37' B/B street. The developer will be dedicating an additional 15' ROW along Lucksinger Road to equate to the minimum 30' from centerline. Both School Lane and Lucksinger Road will be fully widened by the developer. The subdivision will pave a single 50' ROW, 37' B/B paved street with 20' wraparound alleys along the perimeter of the subdivision. Storm drainage is proposed through the use of private detention areas which will connect with School Lane's existing drainage system located along the NE corner of the subdivision. A plat note requiring the HOA to maintain the detention areas in a viable condition will be evident. The developer will also be required to install a 24" R.C.P. line located along Lucksinger Road to the southern boundary line of their subdivision (to be escrowed).

**Other Comments:** Park Fees – \$300/Lot = \$8,400, 5' sidewalks to be installed along School Lane and Lucksinger Road; 4' sidewalks will be required along the interior street at the building permit stage, Must submit a street light plan for review, Water District Exclusion, and must comply with all other format findings.

Staff Recommended approval subject to: 1) No objection to fence on ROW, 2) Payment of capital sewer recovery and park fees; 3) Escrow the installation of the drainage line; and 4) Comply with all other format findings.

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

Mr. Robert Closner, the project engineer was present to answer any questions from the board.

Chairman Rene Flores asked Mr. Closner if the Home Owners would maintain the fence.

Mr. Closner said that they would, since they were going to have an H. O. A.

Vice-Chairwoman Marisela Marin asked what the common area was going to be used for.

Mr. Closner mentioned that it would retain the rainwater.

Chairman Rene Flores asked Mr. Closner if he was willing to comply with all the requirements.

Mr. Closner replied that he would comply with all of the requirements.

After a brief discussion, Chairman Rene Flores entertained a motion. Mrs. Diana Izaguirre moved to approve the conditional use permit as recommended by staff. Mr. Carlos Lopez 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 5:23 p.m.

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Rene Flores, Chairman  
Planning and Zoning Commission