

**PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2017
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Dr. John Guerra
Marisela Marin
Carlos Lopez
Julio Cerda
Diana Izaguirre

P&Z ABSENT

Ned Sheats
Jaime Gutierrez

STAFF PRESENT

Jaime Acevedo
Kristin J. Warshak

GUESTS PRESENT

Aaron Balli
Jose Luis Cano
Octavio Echeagaray
Roel Buentello, Jr.
Joel Chapa, Jr.

CALL TO ORDER

Vice-Chairman John Guerra called the meeting to order at 5:06 p.m.

CITIZENS PARTICIPATION

Vice-Chairman Guerra asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR AUGUST 23, 2017

Vice-Chairman Guerra asked if there were any corrections to the minutes for August 23, 2017. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:07 p.m.

Ended: 5:10 p.m.

Item #1.1

REZONING:

The North 5.0 acres of the South 10.0 acres
of the West 20.49 acres of Lot 29-1,
West Addition to Sharyland Subdivision
AO-1 to R-2
Aaron Balli

REVIEW DATA

SITE: The subject site is located 300' north of West 2 Mile Road along the east side of Inspiration Road.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: R-1 – Single Family Residential
W: R-2 – Duplex-Fourplex Residential
S: C-2 – Neighborhood Commercial

EXISTING LAND USES: N: Neighborhood Park
E: Single Family Residential
W: Multi-Family
S: Commercial
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. Although the FLUM shows a Low Density Residential (LD) designation, staff notes the FLUM can be amended to reflect the R-2 use. Duplex-Fourplex is also the predominate land use fronting Inspiration between 2 Mile Road and 3 Mile Road. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed rezoning.

RECOMMENDATION:
Approval.

Vice-Chairman Guerra asked if the applicant was available.

Mr. Aaron Balli was present to answer any questions the board might have.

Vice-Chairman Guerra asked if there were any questions from the board, or if there were any opposition to the item.

There was none.

There being no further discussion or opposition, Vice-Chairman Guerra entertained a motion for approval as per staff's recommendation. Mr. Julio Cerda moved to approve the rezoning as per staff's recommendation. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:10 p.m.

Ended: 5:19 p.m.

Item #1.2

REZONING: Lot 10, Block 8,
South Bryan Ridge #2 Subdivision
R-1 to C-1
Octavio Echeagaray

REVIEW DATA

SITE: The subject site is located near the NW corner of Bryan Road and Reynosa Street. The site measures 72.5' X 94' which equates to 6,815 sq. ft.

SURROUNDING ZONES: N: R-1 – Single Family Residential

E: C-1 – Neighborhood Commercial
W: R-1 – Single Family Residential
S: R-1 – Single Family Residential

EXISTING LAND USES: N: Residential
E: Commercial
W: Residential
S: Residential
Site: Residential

FLUM: General Commercial (GC)

REVIEW COMMENTS: The Future Land Use Map reflects a Low Density Residential (LD) land use. What we have seen along Bryan is that when interior lot does not access minor collector street it seems to work an example is the dentist office at SW corner of Bryan and Sonora. And although the FLUM shows a Low Density Residential (LD) designation, staff notes the FLUM can be amended to reflect the C-1 use. Staff mailed notices to property owners within a 200' radius of the site to solicit comments in favor or against this request. As of the date of this write-up, staff has not received any calls or written complaints on the proposed rezoning.

RECOMMENDATION:

Since Lot 10 will not have access to Reynosa Street, Staff recommends approval.

Vice-Chairman Guerra asked if the applicant or representative was present.

Mr. Octavio Echeagaray was present to answer any questions.

Vice-Chairman Guerra asked if the board members if there were any questions.

Mrs. Marisela Marin asked Mr. Acevedo what type of business could be placed in a C-1 zone.

Mr. Acevedo explained that the type of business needed to be more office clerical, no stores, or restaurants.

Mrs. Marisela Marin inquired as to if there were any inquiries or opposition made to staff.

Mr. Acevedo stated there were no phone calls, nor was there any public opposition.

Ms. Diana Izaguirre asked if there was a site plan presented to scale.

Mr. Acevedo explained the applicant presented four different options, but nothing to scale yet. The proposed building will be for a rehabilitation facility. The existing structure will be knocked down and rebuilt.

Vice-Chairman Guerra asked if there were any other questions, and entertained a motion for approval as per staff's recommendation. 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: 5:19 p.m.

Ended: 5:22 p.m.

Item #1.3

CONDITIONAL USE PERMIT: Sale and On-Site Consumption of
Alcoholic Beverages – Pizza Hut
2217 E. Griffin Parkway
Lot 1, RGV Pizza Hut Subdivision
C-3
MUY Pizza Tejas, LLC dba Pizza Hut #33917

REVIEW DATA

The restaurant is along the north side of E Griffin Parkway between Citrus and Glasscock Road. The existing pizzeria has been at this location since 2002. However, new ownership will now operate at this location. A CUP for the sale and on-site consumption of alcohol was previously approved but was not transferrable to others. In talking to the applicant, he stated that they are a restaurant that only offers beer, **there will be no liquor or mixed drinks served.**

- **Hours of Operation:** Sunday – Thursday from 11a.m. to 12 a.m. and Friday – Saturday from 11 a.m. to 1 a.m.
- **Staff:** 29 employees
- **Parking & Landscaping:** are existing and meet code for this existing establishment.

REVIEW COMMENTS: Since this operation has been in existence for over 15 years now with without any concerns, since property has had this similar use for several years and seemed to work well, and since the sale of alcohol does not seem to be the primary intent, staff does not object to this proposal.

RECOMMENDATION:

Staff recommends approval subject to a 2 yr. re-evaluation to assess this new operator and the acquisition of a new business license.

Vice-Chairman Guerra asked if the applicant or representative was present for MUY Pizza-Tejas.

Mr. Jose Luis Cano was present as district manager for MUY Pizza-Tejas.

Vice-Chairman Guerra asked if there were any questions or opposition to Item #1.3 and Item #1.4. There being none. He entertained a motion for approval as per staff's recommendation. Ms. Diana Izaguirre moved to approve the conditional use permit as

per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motions passed unanimously.

Started: 5:19 p.m.

Ended: 5:22 p.m.

Item #1.5

CONDITIONAL USE PERMIT: Sale and On-Site Consumption of
Alcoholic Beverages – Pizza Hut
311 Interstate Highway 2
Lot 6-C, El Pueblo Subdivision Ph. I
C-3
MUY Pizza Tejas, LLC dba Pizza Hut #33904

REVIEW DATA

The restaurant is along the north side of U.S. Expressway 83 between Mayberry and Conway. The existing pizzeria has been at this location since 1989. However, new ownership will now operate at this location. A CUP for the sale and on-site consumption of alcohol was previously approved but was not transferrable to others. In talking to the applicant, he stated that they are a restaurant that only offers beer, **there will be no liquor or mixed drinks served.**

- **Hours of Operation:** Sunday – Thursday from 11a.m. to 12 a.m. and Friday – Saturday from 11 a.m. to 1 a.m.
- **Staff:** 19 employees
- **Parking & Landscaping:** are existing and meet code for this existing establishment.

REVIEW COMMENTS: Since this operation has been in existence for over 28 years now with without any concerns, since property has had this similar use for several years and seemed to work well, and since the sale of alcohol does not seem to be the primary intent, staff does not object to this proposal.

RECOMMENDATION:

Staff recommends approval subject to a 2 yr. re-evaluation to assess this new operator and the acquisition of a new business license.

Vice-Chairman Guerra asked if the applicant or representative was present for MUY Pizza-Tejas.

Mr. Jose Luis Cano was present as district manager for MUY Pizza-Tejas.

Vice-Chairman Guerra asked if there were any questions or opposition to Item #1.3 and Item #1.4. There being none. He entertained a motion for approval as per staff's recommendation. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendation. Mrs. Marisela Marin seconded the motion. Upon a vote, the motions passed unanimously.

Started: 5:23 p.m.

Ended: 5:30 p.m.

Item #1.5

Tabled Conditional Use Permit: Repo-Service “Office Use” in an AO-I Zone
2500 N. Moorefield Road
Being a 10 acre tract excluding the 1.14 acre out
of Lot A, Millers Subdivision
AO-I
Roel Buentello, Jr.

REVIEW DATA

SITE: The site is ¼ mile north of Griffin Parkway along the east side of Moorefield Rd. There is a 1,500 sq.ft. masonry home on the property that the applicant has been leasing. He has also constructed a 90’X80’ fenced impound area for the repossessed vehicles-see site plan. Access to the site is through a paved driveway along Moorefield Rd.

This CUP was most recently approved by P&Z on 05-27-2014. Mr. Buentello has been operating his Repo-Service over the past 5 years without any major incidents and has been in operation since 4-15-09. He is now requesting the PNZ to reconsider his CUP.

- **Hours of Operation:** Monday – Friday from 8a.m. to 5p.m.
- **Staff:** 1 full time employee and 1 part-time driver
- **Parking:** During the 4-15-09 approval, P&Z approved the CUP with the requirement of installing a minimum of 4 paved parking spaces. On 9-22-10 the parking space requirement was removed since there is no interaction with customers *on-site* and 9 out of 10 vehicles get returned to dealerships.
- There is no ground pole sign permitted for this CUP.

REVIEW COMMENTS: Notices have been sent to property owners within 200’ of this CUP site. Staff did receive one concern on a neighbor on the aesthetics of the location. The concern was that at times the lot is weedy and that the mesh screening on the fence is not in good condition and does not provide a buffer as it should.

RECOMMENDATION: Staff recommends the repair of the fence screening and that this CUP only be approved for 1 year so that we can continue to monitor this operation.

Mr. Jaime Acevedo stated that Item #1.5 is an item that is tabled, and requested a motion from the board members to remove the item from being tabled.

Vice-Chairman Guerra entertained for a motion to remove this item from being tabled.

Mr. Julio Cerda moved to remove the item from being tabled. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Roel Buentello, Jr., was present to answer any questions by the board.

Vice-Chairman Guerra asked if there were any questions from the board members.

Mr. Julio Cerda stated that he just wanted to make the applicant knew what the concerns were previously from the board.

Mr. Acevedo stated that the only concern came from a church located near the subject property about the cars that were parked on the outside of the property was unsightly. Mr. Buentello has removed all of the vehicles outside.

Mr. Buentello added that six of the vehicles that were parked outside belonged to his landlord, and they have since been moved.

Ms. Izaguirre asked the applicant if the vehicles and trash shown on the south side of the property belonged to him.

Mr. Buentello replied those vehicles belong to his landlord.

Vice-Chairman Guerra asked if there were any questions or opposition to this item.

There being none. Vice-Chairman entertained a motion for approval as per staff's recommendation. Mrs. Marisela Marin 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.

ADJOURNMENT

There being no further items for discussion, Mr. Julio Cerda moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:30 p.m.

John Guerra, M.D., Vice-Chairman
Planning and Zoning Commission