

**PLANNING AND ZONING COMMISSION  
OCTOBER 25, 2017  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Jaime Gutierrez  
Carlos Lopez  
Diana Izaguirre  
Marisela Marin  
Julio Cerda

**P&Z ABSENT**

**STAFF PRESENT**

Jaime Acevedo  
Virgil Gonzalez  
Susie De Luna  
Kristin J. Warshak

**GUESTS PRESENT**

Homer Gonzalez  
Jorge De la Torre  
Marco A. Torres  
Felipe Cavazos  
Juan C. Chapa, Jr.  
Victor Trevino

**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 for any item on the Agenda.

There was none.

**APPROVAL OF MINUTES FOR OCTOBER 11, 2017**

Chairman Sheats asked if there were any corrections to the minutes for October 11, 2017 pending the rewriting of Item 1.4 from the last meeting. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:03 p.m.**

**Item #1.1**

**Discussion of Action for an Amendment to Chapter 86, Article I, Section 86-2, Article II, Sections 86-41, 86-42, Article V, Sections 86-152, 86-153, 86-154, and 86-155**

Mr. Jaime Acevedo stated this Item will be brought forth at the next meeting. Upon finalization of the Item, it was noted that changes and additional review needed to be made to political (temporary) signs in PUD areas, as well as signage in public parks during an election.

**Started: 5:05 p.m.**

**Ended: 5:08 p.m.**

**Item #1.2**

**REZONING:**

**A tract of land consisting of 21.59 gross acres,**

**more or less, out of and forming a part of  
Lots 7 & 8, and the East 2.0 acres of Lot 6,  
Rees Subdivision  
AO-I to R-1  
South Texas Infrastructure Group**

Mr. Julio Cerda was not present for the presentation or voting for this item.

Mr. Jaime Acevedo explained the subject site is located at the NW corner of Stewart Road and Trinity.

**SURROUNDING ZONES:** N: C-3 – General Commercial  
E: AO-I – Agricultural Open Interim &  
R-1 – Single Family Residential  
W: R-1A – Large Lot Single Family  
S: AO-I – Agricultural Open Interim

**EXISTING LAND USES:** N: Commercial  
E: Agricultural and Residential  
W: Residential  
S: Residential  
Site: Agricultural

**FLUM:** Lower Density Residential (LDA)

**REVIEW COMMENTS:** The applicant is requesting that this total of 21.59 acre tract of land be rezoned to Single Family Residential (R-1). The predominant land use in this area is long standing Large Lot Single Family (R1-A) and Single Family (R-1) residences. The Future Land Use Map reflects Lower Density Residential (LDA). Rezoning the site R-1 will not have a detrimental effect to the surrounding Single Family neighborhoods.

**RECOMMENDATION:** Approval.

Mr. Acevedo went on to explain future plans for this property is for a private gated community.

Chairman Sheats asked if there were any questions or comments from the board to staff.

No response from the board.

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. Homer Gonzalez, as representative for applicant came forward.

Chairman Sheats asked if there were any further questions to the applicant for this Item.

There were no further questions or comments.

Mr. Gonzalez thanked the board.

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

**Started: 5:08 p.m.**

**Ended: 5:12 p.m.**

**Item #1.3**

**CONDITIONAL USE PERMIT: Sale and On-Site Consumption of Alcoholic Beverages – El Tizoncito los creadores del Taco al Pastor**  
**201 S. Shary Road, Ste. 100**  
**Lot 6, Block A, Shary-Taylor Expressway**  
**Commercial Subdivision**  
**C-4**  
**Grupo Nuscaa, LLC**

Mr. Jaime Acevedo went on to explain the restaurant will be located within an existing commercial plaza located near the NE corner of U.S. Expressway 83 and Shary Road. The new taqueria will be located where Russo's New York Pizzeria was once in operation. A CUP for the sale and on-site consumption of alcohol was approved for Russo's on 3-20-2014. Primary access to the site is provided through an existing driveway cut along Shary Road, however there are various existing access points to the restaurant. The applicant is proposing a "bar" component within the restaurant which requires the use of Sec. 1.56 (3a.) of the Zoning Code which states: *Bars, cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos or nightclub*: "the property line of the lot of any of the above mentioned businesses which have late hours (after 10:00p.m.) must be at least 300 feet from the nearest residence, church, school or publicly owned property...". There are no such uses within 300 feet.

In talking to the applicant, he stated that they are a restaurant that only offers beer & wine, **there will be no liquor or mixed drinks served**. They mentioned that the bar area would be more similar to a diner, where one could sit and eat. Also, the latest they will be closing will be at 12a.m. on Friday and Saturday, which is early when compared to other "bar and grill" concepts.

- **Hours of Operation:** Monday – Sunday from 11:30 a.m. to 2:00 a.m.
- **Staff:** 30 employees

- **Parking:** The applicant is proposing 150 total seating spaces, which require 50 parking spaces (150 seats/1 space for every 3 seats = 50 parking spaces). It is noted that a total of 129 parking spaces are held in common in this section of the development is shared with other businesses.
- Since the sale of alcohol is not the primary item of purchase, staff does not object to this proposal.

**RECOMMENDATION:** Staff recommends approval for 2 years from the issuance of the TABC permit.

Chairman Sheats asked Mr. Acevedo if there were any problems with alcohol for the former tenant at the same location.

Mr. Acevedo stated there were no complaints.

Chairman Sheats asked if the applicant was present.

Mr. Jorge De la Torre was present to answer any questions that the board might have.

Chairman Sheats inquired if the applicant understood and was happy with all of staff's recommendations.

Mr. De la Torre said he understood.

The Chairman asked if the board had any questions or opposition either for the Item or the applicant.

There were no questions asked.

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

There no 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 recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously

**Started: 5:12 p.m.**

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

**Item #1.4**

**CONDITIONAL USE PERMIT: Sale & On-Site Consumption of Alcoholic Beverages -IncrediBowl  
2140 E. Business Highway 83  
Lots 1 & 2, Grapefruit Bowl Inc. Subdivision  
C-4  
Spare Time Concessions, LLC**

**c/o Felipe Cavazos**

Mr. Acevedo stated IncrediBowl, formerly Valley Bowl, is located approximately 400' east of Ragland Road on the South side of Business Highway 83. On January 11, 2017 the PNZ granted a CUP to the new owner/operator at this location for a period ending November 22, 2017, when the applicants TABC license is set to expire. The building overlaps the lot line over Lots 1 & 2. Viewing the floor plan, there are 24 bowling lanes and the approach and pit areas, a party room, an office as you enter the building, the rental area for bowling and shoes, the Café/snack bar/kitchen area, game room area, another office, and a utility/storage area. The main entrance to the facility is located along the North side of the building. There are separate restrooms for men and women. The applicant proposes to open up the western portion as a game room and party room for birthday parties.

- **Hours of Operation:** Sunday - Thursday from 9am to 12am and Friday thru Saturday from 9am to 1am.
- **Staff:** 20
- **Parking:** In viewing the floor plan, there are a total of 180 parking spaces, meeting code.
- **Sale of Alcohol –** The existing restaurant includes a 'bar' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a mobile and modular home residential neighborhood located south of the subject site within the 300' radius.

**REVIEW COMMENTS:** Notices were sent to property owners within 200 feet of this business where Staff has not received any comments in favor or against this CUP. Staff is recommending that the family-oriented establishment not be open past 12:00 am and since the sale of alcohol is not the primary item of purchase, staff does not object to this proposal.

**RECOMMENDATION:** Staff recommends approval subject to a waiver of the 300' separation requirement from the residential neighborhood and that this CUP be approved for a period of two years, at which time the applicant will have to renew their TABC license and Conditional Use Permit.

Mr. Acevedo reported there have not been any issues other than children fighting over arcade games.

Chairman Sheats asked if there any questions from the commissioners in regards to this Item.

Mr. Felipe Cavazos was present to answer any questions from the board.

Chairman Sheats stated there have been quite a few changes to the existing building over the last ten years. He also asked the applicant if he was okay with the recommendations from staff with respect to this Item.

Mr. Cavazos stated he was.

There was discussion between Mr. Acevedo and the board about lining up the CUP to coincide with the TABC renewal for the applicant.

Chairman Sheats asked if there was anyone in the audience who objected to the conditional use permit.

There no 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 recommendations. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:19 p.m.**

**Ended: 5:23 p.m.**

**Item #1.5**

**CONDITIONAL USE PERMIT: Sale and On-Site Consumption of Alcoholic Beverages – Areli's Event Center  
1809 W. Griffin Parkway  
Lots 9-11, Southern Oaks Ph. I Subdivision  
C-3  
Arelis Event Center, LLC  
c/o Daisy A. Vela**

Mr. Acevedo explained to the board the subject site is located 500' west of Inspiration Rd. along the south side of Griffin Parkway. There is a portion of an existing 7,200 sq. ft. building that is currently being used as a Banquet/Party Hall for such activities as weddings, reunions, birthday parties, seminars, etc. that does not offer sale and on-site consumption of alcohol.

**Hours of operation:** The business will be open on Fridays & Sundays from 6:00 p.m. to 12:00 a.m. & Saturdays from 6:00 p.m. to 1:00 a.m.

- **Parking:** In viewing the floor plan there are 16 tables. Assuming that 10 seats are proposed per table, 53 parking spaces are required for the hall (160/3 seats = 53.3). There are a total of 114 parking spaces held in common at this development. Since activities are proposed to be held at later hours and only on weekends, when most businesses at this development should be closed, Staff does not believe that there will be any complaints regarding the number of parking.
- **Landscaping:** Landscaping meets code.

In viewing the location map, there are single family residences located within three-hundred feet (300') to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

*The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.*

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Seven (7) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request.

**RECOMMENDATION:** Staff recommends approval of the CUP subject to waiver of 300' separation requirement to City Council and CUP to be valid until 1/23/2019 at which time the applicants TABC license will need to be renewed. Mr. Acevedo recalled when this item went before City Council last year The Mayor was very specific about the installation of additional light poles in the parking area. Staff recommends to table this item subject to the installation of additional light poles.

The board and staff had discussion regarding the installation of additional light poles.

Chairman Sheats asked if the applicant or representative were present.

The applicant was not present.

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 to table Item #1.5. Dr. John Guerra moved to table the item as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:23 p.m.**

**Ended: 5:35 p.m.**

**Item #2.0**

**PRELIMINARY & FINAL  
PLAT APPROVAL:**

**Villa IL Centenario Subdivision  
Being a Resubdivision of 8.853 acres out  
of Lot 161, John H. Shary Subdivision, and**

**Lot 1, Praxedis Garza Subdivision**  
**R-1**  
**Developer: Socrates Garrigos**  
**Engineer: Melden & Hunt Inc.**

Mr. Acevedo described the proposed subdivision is located along the east side of Stewart Road 1000' north of Trinity Road. The developer is proposing 36 Single Family Residential lots, all exceeding area requirements but Lot# 36 not meeting the frontage requirements for an R-1 lot.

**VARIANCE:** To have Lot #36 under the 60' lot width minimum required for a Single Family (R-1) Residential lot. It is noted that all of the lots exceed the area requirements for an R-1 lot.

**WATER** - The developer is proposing a looped 8" water system to an existing 8" line located along the west side of Stewart Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction.

**SEWER** - In regards to sewer, the developer is proposing to connect an 8" sanitary sewer line to an existing 8" sewer line along the east side of Stewart Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 36 lots X \$200.00/Lot = \$7,200.00.

**STREETS & STORM DRAINAGE** - The subdivision has frontage to Stewart Rd., which is a future 60' ROW 43' B/B street. There is an additional 10' of ROW proposed which will comply with the requirement of 60' from centerline. The street widening cost for Stewart Rd. will be \$35.36 per linear feet x 195.49 lf = \$6,912.53. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the City's construction specifications. Drainage for the subdivision is proposed via Type A inlets connected to 24" RCP drainage line draining directly to the abutting Wilson Drain Ditch.

**OTHER COMMENTS:**

Escrow Park Fees **(36 Lots X \$300.00 = \$10,800.00)**

Installation of Street Lighting as per City standards

Install or Escrow 5' sidewalks along Steward Rd. **(195.49' X \$12.00/L.F.= \$2,345.88)**

Exclusion from the Water District

**RECOMMENDATION:** Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules;
2. Comply with the street alignment policy;
3. Must pay the capital sewer recovery fees;
4. Must pay street widening fees; and
5. Lots currently in flood zone must be removed from flood zone prior to final plat approval.

Furthermore, Mr. Acevedo stated that Lot 36 does not meet the R-1 requirements as far as square footage. The applicant is requesting a variance for the front setback requirements. One of the things considered is do we go through with the variance, or leave the lot as undeveloped land which could cause other issues in the future.

Chairman Sheats inquired as to the plans for drainage.

Mr. Acevedo explained the drainage components.

Chairman Sheats asked if there any questions from the commissioners in regards to this Item.

Ms. Izaguirre had a question for the applicant on the minimum radius on the curb.

Mr. Mario Reyna, Melden & Hunt, approached the board stating what was submitted was indicative of a model used for fire trucks turning.

Ms. Izaguirre reiterated her question was about the City's current requirement for a turning radius. Her concern was the traffic coming in and out at the same time needs to be taken into consideration.

There was discussion between the board members and applicant regarding the design for the flow of traffic and need of signage.

Mrs. Marin asked about the width to Lot 36.

There was discussion amongst the board and the applicant as to the future plans for Lot 36 in a R-1 zone.

Mrs. Marin asked the status of the flooding.

After further discussion between the board and the applicant, Chairman Sheats entertained a motion to table Item #2.0 with staff recommendations. Mrs. Marisel Marin moved to table the item. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:35 p.m.**

**Ended: 5:44 p.m.**

**Item #3.0**

**PRELIMINARY & FINAL  
PLAT APPROVAL:**

**Mayfair Residence Subdivision  
Being a 21.59 acre tract of land out of  
Lots 7 & 8 and the East 2.00 acres of  
Lot 6, Rees Subdivision  
R-1**

**Developer: Union Design Developers  
Engineer: South Texas Infrastructure Group**

Mr. Julio Cerda was not present for the presentation or voting for this item.

Mr. Acevedo explained the proposed subdivision is located at the NW corner of Stewart Road and Trinity Road. The developer is proposing 101 Single Family Residential lots, all exceeding the area and frontage requirements of an R-1 lot.

**WATER** - The developer is proposing an 8" water system to an existing 8" line located along the west side of Stewart Rd. to provide water service to each lot. Fire hydrants will be installed per the Fire Marshal's direction.

**SEWER** - In regards to sewer, the developer is proposing to connect an 8" sanitary sewer line to an existing 8" sewer line along the east side of Stewart Road. The \$200.00/Residential Lot Capital Sewer Recovery Fee will be imposed as required by Ordinance #4310, i.e. 101 lots X \$200.00/Lot = \$20,200.00.

**STREETS & STORM DRAINAGE** - The subdivision has frontage to Stewart Rd., which is a future 60' ROW 43' B/B street. There is an additional 10' of ROW proposed which will comply with the requirement of 60' from centerline. There is no additional ROW required along Trinity. The developer will be widening Stewart Road during the utility phase of this subdivision, no fees will be collected by City for street widening costs. The internal lots will be fronting a 50' ROW 32' B/B paved street built to the City's construction specifications. Drainage for the subdivision is proposed via Type A inlets connected to 24" RCP drainage line draining into the nearby Hidalgo County Drain Ditch No. 1.

**OTHER COMMENTS:**

Escrow Park Fees (**101 Lots X \$300.00 = \$30,300.00**)

Installation of Street Lighting as per City standards

Install or Escrow 5' sidewalks along Trinity & Stewart Rd. (**1985' X \$12.00/L.F.= \$23,820.00**)

Exclusion from the Water District

**RECOMMENDATION:** Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules;
2. Comply with the street alignment policy;
3. Must pay the capital sewer recovery fees; and
4. Lots currently in flood zone must be removed from flood zone prior to final plat approval.

Chairman Sheats stated that he sees the same thing as the item before with regards to the drainage reports. He is inclined to table the item.

There was discussion between the board and staff in regards to administrative items (i.e, LOMAR (sic) Report).

Mr. Victor Trevino, representative for the applicant was invited to answer the LOMAR question which is in process. He went on to state that even if the board approved the plat only a few houses would still be in the flood zone.

After further discussion between the board and the applicant, Chairman Sheats entertained a motion to table Item #3.0 with staff recommendations. Dr. John Guerra moved to table the item. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0  
OTHER BUSINESS**

There was no other business.

**ITEM #4.0  
ADJOURNMENT**

There being no further items for discussion, Dr. John Guerra moved to adjourn the meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:44 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission