

**PLANNING AND ZONING COMMISSION
MARCH 28, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John R. Guerra
Jaime Gutierrez
Carlos Lopez
Diana Izaguirre

P&Z ABSENT

Julio Cerda
Marisela Marin

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Kristin J. Warshak
Juan J. Chapa, Jr.

GUESTS PRESENT

Carlos Chapa
Juan Garza
Noralinda G. Garza

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 MARCH 14, 2018

Chairman Sheats asked if there were any corrections to the minutes for March 14, 2018. 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: 5:08 p.m.

Item #1.1

Rezoning: 0.825 acres out of Lot 265
John H. Shary Subdivision
R-1 to C-3
Noralinda Garza

Mr. Acevedo went over the write-up stating this property is located approximately ¼ mile north of Griffin Parkway (F.M. 495) along the east side of Shary Road.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim
E: AO-I – Agricultural Open Interim
W: C-3 – General Commercial
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Residential

E: Residential
W: Vacant Commercial
S: Residential
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: On January 10, 2018 a portion of this acreage was rezoned to C-3. The intent was to build new commercial and keep a portion of the lot Single Family Residential R-1. The request now is to include the remaining residential R-1 portion of the acreage for future commercial use. 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 C-3 use. C-3 is an expected zone with frontage to Shary Road and will be an extension of the existing commercial zoning to the west. With proper buffering, C-3 should not be detrimental to the residential area. 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.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Chairman Sheats inquired about the access easement to the north.

Mr. Acevedo stated the applicant will abandon the use of the access easement.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:08 p.m.

Ended: 5:12 p.m.

Item #1.2

Rezoning:

The South 7.58 acres of Lot 13
Goodwin Tract Subdivision No. 3 Subdivision
AO-I to R-3
E & S Investments LLC

Mr. Acevedo went over the write-up stating the subject site is located ½ mile north of W. Griffin Parkway (F.M. 495) along the west side of Inspiration Road.

SURROUNDING ZONES: N: AO-I – Agricultural Open Interim

E: AO-I – Agricultural Open Interim &
R-4 – Mobile & Modular Home
W: AO-I – Agricultural Open Interim
S: AO-I – Agricultural Open Interim

EXISTING LAND USES: N: Mission Lateral
E: Agricultural & Residential
W: Mission Lateral
S: Vacant Residential
Site: Vacant Agricultural

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The applicant is requesting that this 7.58 acre tract of land be rezoned to Multi-Family Residential (R-3). In viewing the existing land uses in the area, the predominant land use is long standing SF residences. The Future land Use Map reflects Low Density Residential (LD); reflecting that R-1 remains the best compatible use for the neighborhood. Rezoning the site to R-3 would be spot-zoning and would be detrimental to the existing and future single family (R-1) abutting communities to the north and south.

RECOMMENDATION:

Denial. Staff would consider Single Family Residential (R-1) instead of the proposed R-3 request.

Chairman Sheats asked if there were any comments from staff in favor or against the request.

There was none.

Mr. Carlos Chapa, representative for the applicant, was present to answer any questions the board might have.

Chairman Sheats asked if he was in agreement with staff's suggestion of changing from an R-3 zone request to an R-1, and had staff fully explained why?

Mr. Chapa stated he was in agreement and did understand the suggested changed to R-1.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve Item 1.2 as an R-1 zone. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:12 p.m.

Ended: 5:18 p.m.

Item #1.3

Conditional Use Permit: Sale and On-Site Consumption of Alcoholic Beverages – Renee’s of Sharyland
2600 E. Griffin Parkway
Being a 1.04 acre tract of land out of Lot 246
John H. Shary Subdivision
C-3
Renee’s Bistro LLC

Mr. Acevedo went over the write-up stating the subject site is a 8,506 sq. ft. establishment located between Hackberry Avenue and Taylor Road along the south side of Griffin Parkway (F.M. 495). Renee’s of Sharyland has been in operation at this location since 2000. In addition to the restaurant, the site has a coffee shop, a boutique, a nail & hair salon, and a spa. A CUP for the sale and on-site consumption of alcoholic beverages was last given to Renee’s on April 12, 2017 by the PNZ for the sale of beer and wine. However, the applicant would now like to add mixed drinks and other liquor or alcohol drinks to its menu.

- **Hours of Operation:** Monday through Saturday from 7:30a.m. to 5:00p.m.,
- **Staff:** 8 employees in bistro restaurant
- **Parking:** The subject site has a total of 66 total seating spaces, which require parking spaces (66 seats/1 space for every 3 seats = 22 parking spaces). It is noted that this location has 43 parking spaces which exceeds code.
- **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 for a period of 2 years at which time their CUP and new TABC License will need to be renewed.

Chairman Sheats asked if there were any comments from staff with respect to this item.

There was none.

Chairman Sheats asked about the hours of operation.

Applicant, Frederik Mooij was present and addressed the hours of operation clarifying the hours of operation as presented were correct. However, in the future the establishment has plans to change the hours of operation to be revised.

Mr. Acevedo suggested the hours of operation should be reflected at this time as closing at 12:00 o’clock a.m., Monday – Saturday, and Sunday reflect 12:00 p.m. – 3: 00 p.m.

There being no further discussion, Chairman Sheats entertained a motion. Dr. John Guerra moved to approve Item #1.3 with the revised hours of operation as stated per

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

Started: 5:12 p.m.

Ended: 5:18 p.m.

Item #2.0

Tabled Rezoning:

Lot 6, Block 195
Mission Original Townsite
R-1 to C-1
Nelly Ayala

Mr. Acevedo went over the write-up stating the subject site is located NE corner of Keralum Avenue and E. 12th Street.

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

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

FLUM: The Future Land Use Map reflects a Low Density Residential (LD) designation.

REVIEW COMMENTS: When this item was last presented at the PNZ meeting on March 14, 2018, the Board tabled the item so that it could be brought back as a C-1 request. It was mentioned by the applicant they the proposal was to house the administration side of a non-profit agency. There would be little or no outside traffic. However, since this lot is smaller in size that what is approved just south and because The Future Land Use Map reflects a Low Density Residential (LD) land use. Staff cannot support this rezoning request. Rezoning the property to C-1 is not consistent with future land use map and appears that it will have a detrimental effect to the surrounding neighbors.

RECOMMENDATION:

Denial

Mr. Acevedo suggested the board take no action on Item 2.0 at this time. The applicant has requested more time to work on the site plan for parking. The applicant did provide an amended site plan which still had parking packing out onto the street which is not allowed in any commercial zone.

Chairman Sheats entertained a motion to take no action on the item. Ms. Diana Izaguirre moved to take no action. Dr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:20 p.m.

Ended: 5:15 p.m.

Item #3.0

Tabled Pre-Final Plat Approval:

Abrego Estates
Being a Resubdivision of 1.264 acres out of
Lot 182,
John H. Shary Subdivision
R-1
Developer: Julio Abrego
Engineer: Melden & Hunt, Inc.

Mr. Acevedo went over the write-up stating the proposed subdivision is located near the Davina and Selena Street intersection along the north side of Selena Street. The developer is proposing 6 Single Family Residential lots, all exceeding the area and frontage requirements of an R-1 lot.

WATER - The developer is proposing to extend an 8" water from Glasscock South Subdivision along the north side of Selena Street and looping it at the NE area of the proposed Lot 1 near Union Street. Fire hydrants will be installed per the Fire Marshal's direction.

SEWER - In regards to sewer, the developer is proposing to install (3) dual service connections to the 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. 6 lots X \$200.00/Lot = \$1,200.00.

STREETS & STORM DRAINAGE

All 6 proposed lots will have frontage to Selene Street an existing 50' ROW 32' B/B street. The developer will be constructing a paved knuckle at the Davina/Selena Street corner to provide a suitable paved access area for Lot 6. No additional ROW or sidewalks will be required via this plat. The proposed drainage for Abrego Estates consists of surface runoff from the lots onto Selena Street west then south flowing into the existing storm system. The existing storm system flows south ultimately draining into the Mission Stub and Mission outlet.

OTHER COMMENTS

Escrow Park Fees (**6 Lots X \$300.00 = \$1,800.00**)

Installation of Street Lighting as per City standards

Exclusion from the Water District

RECOMMENDATION:

Staff recommends approval subject to:

1. Must meet the Model Subdivision Rules;
2. Must pay the capital sewer recovery fees; and
3. Installation of a paved knuckle area in front of Lot 6.

Chairman Sheats asked if there were any comments from staff with respect to this item.

There was none.

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

**ITEM #4.0
OTHER BUSINESS**

There was no other business.

**ITEM #5.0
ADJOURMENT**

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 5:25 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission