

**PLANNING AND ZONING COMMISSION
APRIL 11, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
John R. Guerra
Marisela Marin
Jaime Gutierrez
Carlos Lopez
Julio Cerda

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

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

GUESTS PRESENT

Eduardo Martinez
Cristian Munguia
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.

There was none.

APPROVAL OF MINUTES FOR MARCH 28, 2018

Chairman Sheats asked if there were any corrections to the minutes for March 28 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: 5:03 p.m.

Item #1.1

Rezoning:

Lot 6, Block 195,
Mission Original Townsite Subdivision
R-1 to C-3
Nelly Ayala

Mr. Jaime 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 28, 2018, the Board took no action on 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 stated the applicant submitted a revised site plan showing the parking area as requested by the board. Mr. Acevedo explained in meeting with the applicant he indicated the revision still showed parking backing up into 12th Street. The applicant has requested the board take no action until such time she is ready to come back to the board in May or June with corrected parking requirements.

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

Started: 5:03 p.m.

Ended: 5:11 p.m.

Item #1.2

Conditional Use Permit:

Sale and On-Site Consumption of Alcoholic
Beverages – Arely’s Event Center
1809 W Griffin Parkway
Lots 9-11, Southern Oaks Subdivision
C-3
Daisy Vela

Mr. Acevedo went over 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. The PNZ last saw this item on October 2017. However, one of the pending items from the 2016 City Council meeting is the parking lot lighting.

- **Hours of operation:** The business will be open on Fridays & Sundays from 6p.m. to 12a.m. & Saturdays from 6p.m. to 1a.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: Denial if parking lights are not installed by time of meeting. If parking lights are installed, 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.

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

There was none.

Mr. Eduardo Martinez, representative for the applicant, was present to answer any questions the board might have. Mr. Martinez presented pictures on his cell phone to the board evidencing installation of the lighting pedestals. He continued to explain that before when this Item was presented to the board, he was not the property owner. Therefore, he

waited this long because he is currently renovating the ballroom next door, and installing the same lighting system since he is the owner of both properties.

Chairman Sheats asked if lighting was installed and fully operational, tested and the applicant saw them working?

Mr. Martinez, replied, "Yeah."

Mrs. Marisela Marin asked if the applicant has been operational, and if so, have there been any incidents with P.D.?

Mr. Acevedo stated that an inquiry will be made to P.D. before the next City Council meeting for the sale of alcohol.

Mr. Julio Cerda asked who was responsible for installing the initial lighting.

Mr. Acevedo explained that it was the actual developer who should have installed the lighting.

Mr. Martinez informed the board that he has not only installed lighting for the entire plaza, but has installed landscaping and a sprinkler system as well even though he only owns a portion of the plaza.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve Item #1.3 with the report from P.D. before the next City Council Meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:16 p.m.

Item #2.0

Preliminary and

Final Plat Approval:

**Replat of Lots 1-14,
Adams Crossing Subdivision**

C-3

Developer: Jose Chanin

Engineer: South Texas Infrastructure Group

Mr. Jaime Acevedo went over the write up stating the proposed re-plat is located on the NW corner of Taylor Road and Griffin Parkway (F.M. 495).

The subdivision consists of 14 existing commercial lots that will be re-plated into 2 lots.

UTILITIES: When Adams Crossing Subdivision was first subdivided, there were water and sewer services provided for each lot. A field visit revealed that each lot has its own water, sewer, and electrical connection. There is an 8" sewer line along the rear of the

suites with 4" services to each of the exiting suites. There is also an 8" water line that runs along the rear of the suites. Each suite has its own water and electrical meter.

STREETS & STORM DRAINAGE: This is simple a re-plat, any additional ROW required along the Taylor Road and Griffin Parkway has already been dedicated. Drainage also exists. There is a detention pond already in place, and there won't be any changes to the "C" value of the property. There is no extra runoff to be detained.

OTHER COMMENTS: Since the subdivision is commercial, no park fees are required.

- Adams Crossing Subdivision is already excluded from the water district.
- Must comply with all other format findings.
- Street lighting already exists.

RECOMMENDATION: Staff recommends approval subject to complying with all typical format findings.

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

Mrs. Marisela Marin stated that normally you see this in going in the other direction.

Mr. Acevedo believes that prior there were two owners. One owner had the commercial property, and the other owner had the rest.

Mr. Victor Trevino, representative for the applicant, was present to answer any questions the board might have. He clarified that now one owner owns both lots, and has requested the re-plat.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Jaime Gutierrez moved to approve Item #2.0. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed. Mr. Julio Cerda abstained.

Started: 5:16 p.m.

Ended: 5:20 p.m.

Item #3.0

Homestead Exemption:

**A 2.36 acre tract of land out of the
Northeast ½ of Lot 28-4
West Addition to Sharyland Subdivision
AO-I
Sergio Fonseca**

Mr. Acevedo went over the write up stating this tract is located 300' south of 2 Mile Road along the west side of Holland Road. The lot irregular lot has 101.5' along Holland and a lot depth of 660'. The lot exceeds the square footage size requirements for an R-1 lot. The applicant desires to construct his single family residence thereon. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted

various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

WATER: The applicant is proposing to connect to an existing 12" water line located along the west side of Holland Road to provide water service to the lot.

SEWER: The applicant is proposing to connect to existing 10" sanitary sewer line along the east side of Holland Road to provide sewer service to the lot. The capital sewer recovery fee is waived via the HEV.

STREETS & STORM DRAINAGE: The subject site has frontage to Holland Road, which has an 80' ROW with a future 57' B/B paved street. An addition 20' of ROW will need to be dedicated. Drainage will be onsite.

OTHER COMMENTS:

- Must comply with Model Subdivision Rules.
- Must dedicate water rights.
- The street light requirement is also waived via the HEV.
- The park fees are also waived.

RECOMMENDATION:

Staff recommends approval subject to dedication of 20' of additional ROW along Holland Road and compliance with all homestead exemption variance requirements (i.e., affidavit, etc.).

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

There was none.

Mrs. Marisela Marin wanted the applicant to know how much
The applicant was not present.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve Item #3.0. Dr. John Guerra seconded the motion. Upon a vote, the motion passed.

ITEM #4.0

OTHER BUSINESS

There was no other business.

**ITEM #5.0
ADJOURNMENT**

There being no further items for discussion, Mr. Carlos Lopez moved to adjourn the meeting. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:20 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission