

**PLANNING AND ZONING COMMISSION
MAY 9, 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
Diana Izaguirre

P&Z ABSENT

STAFF PRESENT

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

GUESTS PRESENT

Bertha Cano
Reymundo Rodriguez
Amelia Gaytan
Dora Cervates
Maria A. Zamora
Diorica Maldonado
Mark Wright

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 APRIL 25, 2018

Chairman Sheats asked if there were any corrections to the minutes for April 25, 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: 5:02 p.m.

Ended: 5:03 p.m.

Item #1.1

Rezoning:

**A 0.242 of an acre of land, being the
North one-half of a 0.55 of an acre tract
of Block "K", Wright Addition Subdivision
C-2 to R-2
Ricardo Garza**

Mr. Jaime Acevedo went over the write up indicating the subject site is located near the E. 10th Street/Highland Park Avenue intersection.

SURROUNDING ZONES: N: R-2 – Duplex-Fourplex Residential
E: R-1 – Single Family Residential
W: R-2 – Duplex-Fourplex Residential
S: R-3 – Multi-Family Residential

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

FLUM: Moderate Density Residential (MD)

REVIEW COMMENTS: The Future Land Use Map reflects a Moderate Density Residential (LD) land use which is consistent with the R-2 Duplex-Fourplex request. Duplex-Fourplex is also the predominate land use north of 10th Street (Tom Landry) and west of Highland. 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.

Mr. Acevedo stated the applicant has requested the board take no action on this Item at this time due to the fact that he has decided to keep the current zoning of the property as Duplex-fourplex residential with a mixture of neighborhood commercial. The applicant did provide a small rendering of what he is proposing which needs to be further pursued due to the size of the lot.

There being no further discussion, Chairman Sheats entertained a motion to take no action. Mrs. Marisela Marin moved to take no action on Item 1.1 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: 5:16 p.m.

Item #1.2

**Conditional Use Permit: To Have a Guest House
2014 W. 42nd Street
Lot 58, Taurus Estates No. 9 Subdivision Phase II
R-1
Reymundo Rodriguez**

Mr. Acevedo went over the write up stating the subject site is located near the NW corner of Magdalena Street and W. 42nd Street. The site has the owner's single family residence on Lot 57 and would like to construct a quest house on adjacent Lot 58 which he also owns.

Guesthouses or separate servant quarters are allowed in a Single Family Residential (R-1) zone through a Conditional Use Permit as long the structure has no separate water or other utility meters. In this case, Mr. and Mrs. Rodriguez recently purchased vacant Lot

58 which is abutting Lot 57 where the applicants currently reside. If approved, the applicant is proposing to construct a swimming pool and a 1,086 sq. ft. pool/guest house on Lot 58—see attached site plan. In addition, the applicant will be constructing a solid masonry privacy wall/fence along the perimeter of both lots. It is noted that all setbacks and separation requirements are being exceeded. There are also no utility or other easements between Lot 57 and Lot 58.

RECOMMENDATION: Since all setback are being complied with and since there will be no separate utility or water meters, Staff recommends approval of this Conditional Use Permit for life of use.

Mr. Acevedo reiterated that a guest house is permitted in a single family residential zoning under a conditional use permit with imposed conditions of no additional installation of meters for utilities. Additionally, another conditional use would be the applicant needing to install sidewalks along Lot 58 for continuation of the sidewalks.

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

There was none.

Mrs. Marisela Marin commented the rendering submitted by the applicant is giving the appearance of it being a second house as opposed to a guest house. She asked what the distinction would be.

Chairman Sheats agreed with Mrs. Marin.

Mr. Acevedo explained in speaking with the applicant there would not be a full blown kitchen, but a kitchenette.

Mr. Reymundo Rodriguez, applicant was available to answer any questions the board might have.

Chairman Sheats asked if his intent was to have this for a relative.

Mr. Rodriguez responded, “No, this is for us.” He understood the questioning about the bedroom and kitchen. Mr. Rodriguez explained the program that he used to come with the rendering did not have certain name distinctions for “work out room,” so he had to use what was available which indicated bedroom, etc. Mr. Rodriguez was hopeful for an indoor kitchen including a range, but understood the conditions as presented.

Mr. Acevedo explained the applicant could have a refrigerator, but would not be able to install a 240 volt electrical connection for a stove; it would not have that because that would be considered a “full kitchen.”

Mr. Rodriguez added that as far as fencing concerns both properties are currently fenced in all the way around. He understood that persons might be concerned his request would be deemed as rental property, but assured the board it will be attached to the current existing home which would be very difficult to rent.

Chairman Sheats asked if there was anyone in the audience in favor or opposition of this item.

Mrs. Maria Zamora approached the board stating that she needed English to Spanish translation of what the applicant was intending to do.

Mr. Acevedo explained to Mrs. Zamora what the applicant has requested, and clarified the intent of the use of “guest house” which was listed on the Public Hearing Notice sent to surrounding property owners. Mr. Acevedo additionally expressed to the board on behalf of Mrs. Zamora she was concerned that the guest house would be used as a “commercial property.”

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve Item #1.2 as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:16 p.m.

Ended: 5:21 p.m.

Item #1.3

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – Taco Viche
205 N. Shary Road, Ste. A
Lot 1, South Shary Commercial Subdivision
C-3
PCS Shary Investments, LLC**

Mr. Jaime Acevedo went over the write up stating the proposed seafood restaurant is near the NW corner of Shary Road and Selena Street (E. 1st Street) along the west side of Shary Road. The appliance desires to occupy a vacant suite thereon and add an outdoor terrace along the south side of the existing commercial building. The applicant is requesting a CUP at this location for the sale of alcohol for his proposed seafood restaurant. It is also noted that 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 is one residence to north a few mobile homes to the west within 300 feet.

- **Hours of Operation:** Sunday – Thursday from 11:00a.m. to 10:00p.m. and Friday and Saturday from 11:00a.m. to 11:00p.m.

- **Staff:** 25 employees
- **Parking:** Viewing the floor plan, there are 42 seating spaces in the interior portion of the restaurant and 24 seating spaces in the terrace for 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 the parking area is held in common (58 existing parking spaces) and will be shared with other businesses.

RECOMMENDATION: Staff recommends approval subject to a 2 year re-evaluation at which time the applicant will have to renew his CUP and TABC License.

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

Mrs. Marisela Marin asked if the applicant meets the parking requirements.

Mr. Acevedo replied, "Yes. It meets code." In working with the applicant, it was required to reduce the size of the outside terrace to meet the parking requirements.

Ms. Diorica Maldonado, Maldonado Business Services, acting as representative for the applicant was available to answer any questions the board might have.

Chairman Sheats asked if there was any audience in opposition.

There was none.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve Item #1.3 as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21

Ended: 5:22

Item #1.4

Conditional Use Permit:

**Sale and On-Site Consumption of Alcoholic
Beverages – Rico’s Mexican Restaurant
1500 W. Business Highway 83
Lot A, Mission Acres Subdivision
C-3
Rico’s Mexican Restaurant, LLC**

Mr. Acevedo went over the write-up stating the subject site is located at the NW corner of Los Ebanos and Business Highway 83. The applicant has leased the newly vacated building which had long been a convenience store and is in the process of converting the building into a Mexican food restaurant and desires a CUP at this location for the sale of alcohol.

- **Hours of Operation:** Monday – Saturday 11:00a.m. to 9:00p.m.
- **Staff:** 4 employees and the owner

- **Parking:** Viewing the floor plan, there are 26 total seating spaces, which require parking spaces (26 seats/1 space for every 3 seats = 9 parking spaces). It is noted that the parking area is held in common (56 existing parking spaces) and will be shared with other businesses.
- **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 subject to a 2 year re-evaluation at which time the applicant will have to renew his CUP and TABC License.

Mr. Acevedo explained to the board the applicant informed Staff before the meeting he will not be pursuing a conditional use permit at the site location of 1500 W. Business Highway 83; therefore, the applicant is requesting there be no action taken on Item 1.4 at this time.

There being no further discussion, Chairman Sheats entertained a motion to take no action. Mr. Julio Cerda moved to take no action. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:22

Ended: 5:26

Item #1.5

**Conditional Use Permit
Renewal:**

**Executive Drive-Thru Convenience Store
1710 W. Business Highway 83
1 acre tract out of Lot 20-1,
West Addition Sharyland Subdivision
C-3
Florentino Vasquez, Jr.**

Mr. Acevedo went over the write up explaining the subject site is located approx. 130' west of Adams along the north side of Business 83. The 1,200 sq.ft. drive-thru convenience store has been in operation at this location since 2011. The last CUP approval came in April 22, 2015 when this CUP was renewed with a 3 yr. re-evaluation. A 30' drive provides access off of Bus. 83 which leads to a 12' drive thru lane. The lane allows stacking for approximately 3 vehicles.

- **Days / Hours of operation:** Monday thru Thursday from 12:00p.m. to 11:00p.m., Friday and Sunday from 12:00 p.m. to 12:00 a.m., and Saturday from 12:00 p.m. to 1:00 a.m.
- **Staff:** 5 employees
- **Parking:** 4 parking spaces are required for a building this size. The applicant is providing 4, thus compliant to code. It is also noted that a min. 24' E-W ingress/egress lane is provided to allow for future connectivity by other non-residential uses.

REVIEW COMMENTS: This drive-thru business has operated at this location for almost 8 years with various operators. There have not been any issues with noise, traffic flow, or stacking.

RECOMMENDATION: Approval subject to a 3 year re-evaluation.

Chairman Sheats asked for clarification of the hours of operation and the relation of distance to residents around the site location.

Mr. Acevedo clarified the hours of operation are being based upon the approval from City Council in 2015. To date, those hours of operation remain the same. There is a 200' to 300' distance to the nearest residence.

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

There was none.

There being no further discussion, Chairman Sheats entertained a motion. Dr. John Guerra moved to approve Item #1.5 as presented. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:26

Ended: 5:29

Item #1.6

Conditional Use Permit

Renewal:

**Drive-Thru Service Window
- El Pollo Loco Restaurant
2307 N. Conway Avenue
Lot 1, North Star Plaza II Subdivision
C-3
EPLNM, LLC**

Mr. Acevedo went over the write-up stating the subject site is located near the approximately 150' north of W. Griffin Parkway (F.M. 495) along the west side of Conway. A CUP for a *drive-thru service window* at this location was approved by the PNZ on August 10, 2017. The drive-thru window is along the north side of the building. Traffic must travel into the development via a 40' shared drive off Conway then proceeding along the east side of the building to the ordering area then drive up along the north side of the building to the drive-thru window. The drive-thru window allows stacking for approximately 4 vehicles. Exiting would be done by wrapping around west side of building and exiting back onto Conway.

- **Hours of Operation:** Monday - Sunday from 10 a.m. to 11 p.m.
- **Staff:** A total of 27 Employees during different shifts will man this operation

- **Parking:** The 3,418 sq. ft. building will have a total of 94 seating spaces for the restaurant. A total of 31 spaces are required for this site (1 space for every 3 seats = 31 parking spaces). It is noted that a total of 67 parking spaces will be shared with El Pollo Loco and the abutting Burger King restaurant, meeting code.
- Landscaping is existing and meets code.
- Must continue to comply with all Building, Fire, and Health Codes.

REVIEW COMMENTS: There have been no issues with the drive-thru window at this location in the past 12 months.

RECOMMENDATION: Staff recommends approval for life of use.

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

There was none.

Mr. Mark Wright, applicant, was present to answer any questions the board might have.

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

There was none.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve Item #1.6 as presented. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #2.0

OTHER BUSINESS

There was no other business.

ITEM #3.0

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 5:29 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission