

**PLANNING AND ZONING COMMISSION
JUNE 13, 2018
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Jaime Gutierrez
Marisela Marin
Julio Cerda
Carlos Lopez

P&Z ABSENT

Diana Izaguirre

STAFF PRESENT

Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Maribel Castellanos
Joel Chapa, Jr.
Chrystian Bolaños
Charlie Longoria

GUESTS PRESENT

Jose C. Picasso
Iliana Fraire
Gerardo Martínez
Francisco Guerra, Jr.
Abel Olguin

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 MAY 23, 2018

Chairman Sheats asked if there were any corrections to the minutes for May 23, 2018. Mrs. Marisela Marin moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:07 p.m.

Item #1.1

Rezoning:

**A 0.64 acre tract of land being the South 249'
of the West 112' of the South 660' of Lot 25-10,
West Addition to Sharyland Subdivision
AO-I to C-1
Jose C. Picazo**

Mr. Jaime Acevedo went over the write up stating that the subject site is ¼ mile west of Bryan Road along the northern side of Griffin Parkway (F.M. 495).

SURROUNDING ZONES: N: R-1A – Large Lot Single Family
E: AO-I – Agricultural Open Interim
W: AO-I – Agricultural Open Interim
S: R-1 – Single Family Residential

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

FLUM: Lower Density Residential (LDA)

REVIEW COMMENTS: The Future Land Use Map reflects what appears to be an outdated land use designation of Lower Density Residential (LDA). Properties at the southeast and southwest corner of Bryan and Griffin Parkway have been rezoned in past 15 years without any issues or concerns. It seems that the C-1 proposal is an expected transition zone with frontage to a 5-lane major street and major arterial intersection. C-1 is also the lowest commercial zones in Mission. If approved, the applicant will use the existing residence as a chiropractic office for his practice. All visits are by appointment only and there are no additional employees other than the doctor. As of the time of this writing there have been no calls in opposition or against this request. In addition, the applicant has spoken to the abutting neighbor to the east who is in support of the rezoning request.

RECOMMENDATION: Approval.

Chairman Sheats asked if there were any comments from the Board.

Mrs. Marisela Marin asked what type of signage was allowed in this area.

Mr. Acevedo replied that it would be based on the square footage of the building.

Chairman Sheats asked if a doctor's office would be allowed on a C-1 zone.

Mr. Acevedo replied "Yes".

The applicant, Dr. Jose C. Picazo was present to address any questions from the board.

Mrs. Marin asked Dr. Picazo what type of sign he was proposing for the site.

Dr. Picazo mentioned it would probably be a monument sign similar to what the neighboring business had.

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

Started: 5:07 p.m.

Ended: 5:11 p.m.

Item #1.2

Conditional Use Permit:

Home Occupation – Registered Home Provider

2003 W. 40th Street

Lot 68, Taurus Estates No. 9 Phase III Subdivision

R-1

Iliana Fraire

Mr. Acevedo went over the write up stating the subject site is located near the Hillcrest Drive and W. 40th Street intersection along the south side of W. 40th Street. The applicant wishes to obtain a Home Occupation CUP for a licensed child care home. The home has a two-car driveway off of W. 40th Street capable of accommodating the safe drop off and pick up of children – see site plan. There is a six-foot opaque buffer fence surrounding the rear of the residence to maximize protection of the children. If approved, the applicant will convert her living room and one bedroom into the day care area.

- **Hours of operation:** Monday – Friday from 7:00 a.m. to 6:30 p.m. and Saturday from 8:00 a.m. to 3:00 p.m.
- **Staff:** The applicant and 1 other adult will run the registered home.
- Applicant must be DHS certified.
- Must continue to comply with signage requirements of Sec.1.56-1 of Zoning Code.
- Applicant must obtain a business license.

REVIEW COMMENTS: Staff has received/reviewed several of these types of CUPs in the past and has not had any problems with previous others.

RECOMMENDATION: Approval subject to:

1. A 1 year re-evaluation in order to monitor this new child care facility;
2. Must be DHS certified;
3. Must comply with the Home Occupation portion of the Zoning Code; and
4. Must obtain a business license.

Chairman Sheats asked if there were any comments from the Board.

There was none.

The applicant, Mrs. Iliana Fraire who resides at 2003 W. 40th Street was present to address any questions from the Board.

Chairman Sheats asked what the square footage of the home is and if there was a home owners association.

Mrs. Fraire stated that there was no HOA and the home was about 1200' sq. ft.

Chairman Sheats asked if staff had received any opposition calls.

Mr. Acevedo replied, "No".

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations. Mr. Julio Cerda seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:11 p.m.

Ended: 5:17 p.m.

Item #1.3

Drive-Thru Convenience Store

1001 W. Expressway 83

Lots 35 & 36, Freeway Subdivision Unit #3

C-3

Gerardo Martinez

Mr. Jaime Acevedo went over the write up stating that the site is located at the SW corner of Expressway 83 and San Pedro Street. The subject site has an existing building which in the past has been used as a drive-thru business. This CUP was originally approved on 3/12/14 for a period of one year but never opened. Then on 4/22/15 the P&Z approved a CUP at this location for a period of 6 months but once again the business never opened. Additionally, on 3/22/17 the PNZ once again approved a CUP at this location. However, the TABC licensing took longer than expected and the drive-thru never opened. The applicant has addressed those issues and is now ready to proceed with his proposed operation.

- **Hours of Operation:** Everyday from 10:00 a.m. to 12:00 a.m.
- **Staff:** 2 employees
- **Parking:** The applicant is showing 7 parking spaces, plus approximately 3 inside the drive-thru to exceed the parking requirement of 8 spaces.

RECOMMENDATION: Staff recommends approval for 1 year subject to:

1. Must install additional landscaping;
2. Must complete the parking requirements as shown on the plan, including speed bumps and the fencing;
3. Must wet zone the property, if needed;
4. Must comply with all building, fire, health, and sign codes; and
5. Obtain a Business License.

Mr. Acevedo state that the Board may recall this conditional use permit request because it has been seen for the last couple of years but since it has never opened therefore the need to reapply. He advised staff that the reason he has not open was due to not being able to secure the TABC license but all of that has been taken care off.

Chairman Sheats asked if there were any comments from the Board.

There being none.

Brief discussion continued regarding whether they should approve the conditional use permit or wait till he submitted his TABC permit to make sure this time he was going to open for business.

Mr. Acevedo stated that only item being considered was the drive-thru and he could be open without selling any alcohol.

There being no further discussion, Chairman Sheats entertained a motion. Mrs. Marisela Marin moved to approve the conditional use permit as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:17 p.m.

Ended: 5:21 p.m.

Item #1.4

**Conditional Use Permit Renewal: In & Out Drive-Thru Convenience Store
1401 N. Conway Avenue
Lots 7 & 8, Block 230,
Mission Original Townsite Subdivision
C-3
Francisco Guerra, Jr.**

Mr. Acevedo went over the write-up stating the subject site is located on the NW corner of 14th St. and Conway Avenue. The applicant currently has 22' X 32' (704 sq. ft.) drive-thru convenience store adjacent to Optima Tires. An existing 24' drive provides access off of 14th St., which leads to a 12' drive thru lane which then exits out to Conway. There is existing stacking for approximately 6 vehicles. The latest CUP was approved on 4-27-15 for a period of 3 years. The applicant wishes to obtain a renewal of the CUP.

- **Days / Hours of operation:** Sunday through Friday from 12 p.m. to 12 a.m. and Saturday from 12 p.m. to 1 a.m.
- **Staff:** 4 employees
- **Parking and Landscaping:** In viewing the floor plan, the building equates to 704 sq. ft., which requires a minimum of 5 parking spaces. There is also an existing tire shop (requires 7 spaces), a proposed carwash (requires 4 spaces), and an existing water dispensing unit (requires 4 spaces) for a total of 20 spaces. The applicant is providing 20 parking spaces, thus compliant to code. The applicant currently has several trees and plants on the site.

REVIEW COMMENTS: The drive-thru business has been in operation since 2012. Staff has not received comments for or against the request.

RECOMMENDATION: Staff recommends approval for an additional 3 years.

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

The applicant, Mr. Francisco Guerra, Jr. was present to address any questions from the Board.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the conditional use permit as per staff's recommendation. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:21 p.m.

Item #2.0

Pre-Final Plat Approval:

**Gilberto Gutierrez Subdivision
Being 4.00 acres, more or less, out of
Lot 42, Bell-Woods Co's Subdivision "C"
R-2 & C-2
Developer: Gilberto Gutierrez
Engineer: SAMS Engineering**

No action was taken on this item.

**ITEM #3.0
OTHER BUSINESS**

There was no other business.

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Jaime Gutierrez moved to adjourn the meeting. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:22 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission