

**PLANNING AND ZONING COMMISSION
APRIL 10, 2019
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Diana Izaguirre
Javier Barrera
Ruben Arcaute
Debra L. Alvarez

P&Z ABSENT

Raquenel Austin
Hector Moreno
Jose L. Morin

STAFF PRESENT

Jaime Acevedo
Maribel Quintanilla
Susana De Luna
Jessica Muñoz
Joel Chapa, Jr.
Jesus Galicia

GUESTS PRESENT

Gilbert Dillard
Robert Gonzalez
Martha Sanchez
Raul Santa Ana
Lupe A. Gonzalez

CALL TO ORDER

Chairwoman Diana Izaguirre called the meeting to order at 5:37 p.m.

CITIZENS PARTICIPATION

Chairwoman Izaguirre asked if there was any citizen's participation.

There was none.

APPROVAL OF MINUTES FOR MARCH 27, 2019

Chairwoman Izaguirre asked if there were any corrections to the minutes for March 27, 2019. Mrs. Debra Alvarez moved to approve the minutes as presented. Mr. Javier Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:38 p.m.

Ended: 5:40 p.m.

Item #1.1

Rezoning:

Lot 1, Bannworth Business Center

C-1 to C-2

Jose Angel Trevino

Mr. Acevedo went over the write-up stating that the property is located along the west side of Shary Road between Village Drive and Mulberry Street.

SURROUNDING ZONES: N: R-1 – Single Family Residential
E: AO-I – Agriculture Open Interim
W: R-1 – Single Family Residential
S: C-1 – Office Building

EXISTING LAND USES: N: Single Family Residential
E: Bannworth Park

W: Single Family Residential
S: Vacant Office
Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: 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-2 use. This property is an expected transition zone with frontage to Shary Road. There is also a drain ditch to the north acting as a buffer to north. The applicant will be constructing a commercial plaza with a solid buffer to the north and west. 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: Staff recommended approval.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There was none.

There being no discussion, Chairwoman Diana Izaguirre entertained a motion. Mr. Ruben Arcaute moved to approve the rezoning as per staff’s recommendations. Mrs. Debra L. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:41 p.m.

Ended: 5:42 p.m.

Item #1.2

**Rezoning: Lot 105, Shary Palms Unit 3
C-1 to C-2
Jose Angel Trevino**

Mr. Acevedo went over the write-up stating that the property is located along the west side of Shary Road between Village Drive and Mulberry Street.

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

EXISTING LAND USES: N: Vacant Office
E: Bannworth Park
W: Single Family Residential
S: Single Family Residential

Site: Vacant

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: Office Building (C-1) is the least congested commercial zoning and appears to be the better land use considering the type of structure currently on this property.

RECOMMENDATION: Staff recommended denial.

Mr. Acevedo mentioned that he met with Mr. Trevino prior to the meeting to discuss the best use for the property would be he stated that a C-1 because residential codes were in place and by changing it into a C-2 he would have to bring it up to commercial codes. Mr. Acevedo mentioned that Mr. Trevino agreed to keep it as a C-1.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There being no further discussion, Chairman Diana Izaguirre entertained a motion. Mr. Javier Barrera moved to deny the rezoning as per staff's recommendations. Mr. Ruben Arcaute seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 5:44 p.m.

Item #1.3

**Conditional Use Permit: Sale and On-Site Consumption of Alcoholic
Renewal: Beverages – Villa Del Mar Restaurant #1
207 E. Expressway 83
Lot 3, El Pueblo Ph. II Subdivision
C-3
VIGA Restaurant, Inc.**

Mr. Acevedo went over the write-up stating that this 4,500 sq.ft. site is located within a plaza approximately 600' east of Conway Ave. along the north side of the Frontage Road of Expressway 83. This CUP was last approved by the P&Z on March 9, 2016, with a 3-year re-evaluation. Villa Del Mar has been operating at this location for over 12 years and has been selling alcohol since October 2010.

- **Sale of Alcohol (Section 1.56-3):** The Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There are residences within 300' (see aerial) however; P&Z and the Council waived this separation requirement in the CUP's previous approvals. In speaking to Mission PD regarding any incidents due to the sale and on-site consumption of alcohol. They mentioned that there were no incidents to report.
- **Hours of operation:** Monday through Sunday from 11a.m. to 9p.m.

- **Parking:** In viewing the floor plan, there are 194 total seating spaces for the restaurant, which require 65 parking spaces (194 total seating spaces/3 = 65 parking spaces). It is noted that the parking area is held in common (225 existing parking spaces) and is shared with other businesses. The parking area is also connected and has access to existing, interlocking parking lots-see aerial.
- There is a small stage area for 'light' music from a single guitar player or a piano, **no DJs or Bands utilize the stage.**

REVIEW COMMENTS: The restaurant has been selling alcohol at this location since January, 2010 with no reported incidents in relation to the sale of alcohol. Staff does not object to allowing the sale of alcohol at this location.

RECOMMENDATION: Staff recommends approval subject to waiver of 300' separation requirement to City Council and CUP to be valid until 10/05/2019 at which time the applicants TABC license will need to be renewed.

Mr. Acevedo mentioned that he would like for the TABC and CUP license to be renewed at the same time.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

There being no further discussion, Mr. Ruben Arcaute moved to approve the conditional use permit request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:44 p.m.

Ended: 5:51 p.m.

Item #1.4

Site Plan Approval:

RENEWAL:

Restaurant on property zoned C-2

1233 E. Griffin Parkway

Lot 1 & the S. 25' of Lot 2, Block 1,

Bel-Aire Heights Subdivision

C-2

The Loretto at Mission (c/o Lupe A. Gonzalez)

Mr. Acevedo went over the write up stating that this site is located on the NW corner of Orange Dr. and Griffin Parkway This establishment has been operating at this location since 2015 with the most recent CUP approval by being on P&Z on February 24, 2016. The owner has been in operation for almost 5 years now and requires restaurant proposal to be considered again. Based on Sec. 1.42(3)(e) of the Zoning Code, restaurants require a CUP proposed in a Neighborhood Commercial Zone (C-2).

- **Hours of Operation:** Tuesday – Friday from 10a.m. to 10p.m., Saturday and Sunday from 9a.m. to 10p.m., Closed Mondays.
- **Staff:** 20

- **Parking:** The restaurant and lease spaces on site require a total of 37 parking spaces. The applicant is proposing only 30 spaces. Lacking 7 spaces. However, an agreement is in place with the law firm just east of the site at the NE corner of Orange St. and Griffin Parkway.

REVIEW COMMENTS: This restaurant has been in operation for almost 5 years now and the while there has been a parking issue in the past, the issue seems to have been addressed with the parking agreement in place with law firm just west. If approved, staff will continue to monitor parking at this location.

RECOMMENDATION: Staff recommended approval for life of use.

Chairwoman Izaguirre asked if there were any comments from the board or the audience in favor or against this request.

Dr. Raul Santana appeared before the board in opposition to the CUP; his concerns were cars parking on both sides of Orange St. making road become one lane. Anyone exiting orange onto 495 or coming from 495 onto orange can have an accident. Mr. Santana also mentioned that children and adults walk across from the lawyer's parking lot to the restaurant by crossing Orange Street, the cars start parking too close to the corner of 495 and Orange Street so there's potential danger there. Also parties go on after 2 o'clock in the morning and the gentleman before me said no complaints have been made so far. If you check police records "I complained". He added that cars parked in the alley block excessively for emergency vehicles.

Chairwoman Izaguirre asked if there were any questions for applicant.

Mr. Lupe Gonzalez stated that the two items Dr. Santana referenced one being the parking closest to the street leaving the restaurant onto 495 there's designated parking by colors where people can park that's been approved by the city. We always make it a point to make sure no one parks in the red zone. Secondly our hours of closing are 10 o'clock; any parties going on for a wedding are only until 12:00a.m only.

Chairwoman Izaguirre asked the board had any question.

Mr. Jaime Acevedo mentioned PD did install No Parking signs on Orange. As for parking along Orange closer to 495, we can address that with PD so they can take a look if there's such a problem, and possibly install NO Parking signs on one side of the street.

Chairwoman Izaguirre mentioned she drives by every day and doesn't see anyone parked on Orange St.

Mr. Jaime Acevedo mentioned that he found out that they have an agreement with the learning center that's further to the east side, just next to the attorney office. It was a

ballet studio before and now a learning center. They have 70 additional parking spaces that are not in use. The hours of the learning center are no later than 4p.m. and the restaurant in the evening can use the parking.

Chairwoman Izaguirre asked the board had any question.

There being no further discussion, Mr. Javier Barrera moved to approve the conditional use permit request as per staff's recommendation. Mr. Ruben Arcuate seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:52 p.m.

Ended: 5:55 p.m.

Item #2.0

Site Plan Approval:

Construction of 6 Apartments

922 N. St. Marie Street

Lot 1 & North ½ of Lot 2, Block 165,

Mission Original Townsite Subdivision

R-3

Gilbert Dillard, Jr.

Mr. Acevedo went over the write-up stating that this site is located at the SE corner of E. Tom Landry Blvd. and St. Marie Avenue—see vicinity map. Site Plan approval is required prior to permit issuance for multi-unit complexes of five or more. In reviewing the site plan, there is a two-story building that will make up the 6-unit multi-family apartment complex. The applicant is proposing 6 two-bedroom units that each have approximately 840 sq. ft. of living area. The building must comply with all fire code requirements for a multi-family complex.

The minimum required setbacks for the site will be: 30' front setback, 15' rear setback, and 6' side setbacks. It is noted that all setbacks are in compliance.

As seen, the primary access will be to St. Marie Avenue. There is a secondary access from the public alleyway. With regards to parking, the site plan shows 12 parking spaces. For a multi-family building of this size the City Code requires 12, therefore meeting code. Staff will work with our City Sanitation Department and the applicant, during permit approval process, so that individual or a single trash container are added along the alley.

This development will have 4' sidewalks along Tom Landry and there are existing 4' sidewalks already along St. Marie Avenue. Ten percent landscaping will be required with a combination of trees, plants, and shrubs.

This is the area of the Old Townsite which is not subject to any Park Fees or Sewer Capital Recovery Fees.

RECOMMENDATION: Staff recommends approval.

Chairwoman Izaguirre asked if there were any comments from the board.

Chairwoman Izaguirre asked where are the trash bins located.

Mr. Acevedo replied that he wants to shift all parking spaces along the alley, and place trash bins on the south side.

Mrs. Alvarez asked what was there rational on having the big dumpster's verses the individual.

Mr. Acevedo replied it was the applicant choice.

Mrs. Alvarez said dumpsters attract a lot more rodents.

Mr. Acevedo asked the applicant if individual dumpsters were going to be used.

Mr. Dillard replied "yes".

There being no further discussion, Mr. Javier Barrera moved to approve the conditional use permit request as per staff's recommendation. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

**ITEM #4.0
ADJOURMENT**

There being no further items for discussion, Mr. Ruben Arcaute moved to adjourn the meeting. Mrs. Debra Alvarez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:55 p.m.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission