

**PLANNING AND ZONING COMMISSION  
SEPTEMBER 23, 2020  
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

**P&Z PRESENT**

Diana Izaguirre  
Debra Alvarez  
Hector Moreno  
Bealinda De Forest  
Raquenel Austin  
Jasen Hardisen

**P&Z ABSENT**

Javier Barrera  
Ruben Arcaute

**STAFF PRESENT**

Susana De Luna  
Jessica Munoz  
Alex Hernandez

**GUESTS PRESENT**

Tomas Cantu  
Mario Reyna  
Miguel Kamel  
Fred Kurth

**CALL TO ORDER**

Chairwoman Diana Izaguirre called the meeting to order at 5:32 p.m.

**CITIZENS PARTICIPATION**

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

There was none.

**APPROVAL OF MINUTES FOR SEPTEMBER 9, 2020**

Chairwoman Izaguirre asked if there were any corrections to the minutes for September 9, 2020. Mrs. Debra Alvarez moved to approve the minutes as presented. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:33 p.m.**

**Ended: 5:41 p.m.**

**Item #1.1**

**Rezoning:**

**6.790 acres out of Lot 16-6,  
West Addition to Sharyland  
AO-I to I-1  
Omar Development, LLC**

Ms. De Luna went over the write-up stating that this site is located approximately 1200' west of Conway Boulevard along the south side of U.S. Expressway 83 frontage. The irregular lot has frontage to both U.S. Expressway 83 frontage and Abelino Farias Street.

**SURROUNDING ZONES:**

N: C-3 – General Commercial  
E: C-4 – Heavy Commercial  
W: AO-I – Agricultural Open Interim  
S: AO-I & P – Agricultural Open Interim &

Permanent

**EXISTING LAND USES:**

N: Commercial (Storage Units)  
E: Vacant

W: Commercial (Storage Units)  
S: Commercial & Residential

Site: Vacant

**FLUM:** General Commercial (GC)

**REVIEW COMMENTS:** The Future Land Use Map reflects a General Commercial (GC). Although the FLUM shows a General Commercial (GC) designation. The applicant plans on using this subject site as a warehouse and steel recycle site which is permissible in a C-4 Heavy Commercial designation and perhaps a better neighbor for this 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:** Denial of I-1 and approval of C-4.

Chairwoman Izaguirre asked if the board had any questions.

Representing the applicant, Mr. Fred Kurth stated what the applicant wants to build is a warehouse and steel recycling site and rezoning this property to I-1 (Light Industrial) will let him build what he wants.

Mrs. Debra Alvarez mentioned why does he prefer a I-1 (Light Industrial) when he can rezone the property to C-4 and still built what he wants.

Ms. De Luna stated what the applicant is purposing is a warehouse and steel recycling site which is permissible in a C-4 Heavy Commercial designation and perhaps a better dense and neighbor for this area. However, if in the future the applicant would like to add anything to this property he can apply for a CUP and be allowed an Industrial Use without changing the zone.

Mrs. Debra Alvarez asked what does a I-1 (Light Industrial) lead to?

Ms. De Luna stated it can lead to a manufacturing business, but if he wants to do that in the future he can with a C-4 (Heavy Commercial), as long as he applies for a CUP for Light Industrial Use.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mrs. Debra Alvarez moved to deny the I-1 (Light Industrial) and approve the C-4 Heavy Commercial as per staff's recommendation. Mrs. Bealinda O. Deforest seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:41 p.m.**

**Ended: 5:43 p.m.**

**Item #1.2**

**Conditional Use Permit: Sale & On-Site Consumption of  
Alcoholic Beverages – The Club at Cimarron**

**1200 S. Shary Road, Bldg. A, B, & C  
Block 8, out of Cimarron Country Club Ph. I, Section II**

Ms. De Luna went over the write-up stating that this site is located off of Shary Road along the west side of Shary Road. Cimarron Country Club has been offering the sale and on-site consumption of alcoholic beverages since December 19, 1983. Since the club was recently sold and the use is not transferable to others the new applicant would like to obtain their own permit.

The types of activities range from weddings, quinceañeras, Christmas parties, reunions, birthday parties, seminars, and business conferences.

- **Hours of Operation:** Every day from 7:00 a.m. to 9:00 p.m. and when private events to 2 :00 a.m.
- **Staff:** 4 to 9 employees will operate the business
- **Parking & Landscaping:** Parking and Landscaping are in compliance.
- **Sale of Alcohol:** Section 6-4 of the Alcohol Beverage code states that such uses need to be 300' from residential uses. There are some residences within this radius; thus, a waiver of the separation requirement needs to be considered

**REVIEW COMMENTS:** Notices were sent to property owners within 200' of this business where Staff has not received any comments in favor or against this CUP. Staff asked Mission PD for a report of any incidents in relation to the sale of alcohol. No incidents have been reported as of this date.

**RECOMMENDATION:** Staff recommends approval subject to: 1) 2-year re-evaluation at which time the applicant will have to renew his CUP and TABC license, and 2) Waiver of the 300' separation requirement from the residential homes

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mr. Jasen Hardisen moved to approve the request as per staff's recommendation. Mrs. Raquenel Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:43 p.m.**

**Ended: 5:45 p.m.**

**Item #1.3**

**Conditional Use Permit: Drive-Thru Service Window  
618 E. 9<sup>th</sup> Street  
Lots 18-23, Block 142, Mission Original Townsite**

**C-3  
Tomas Cantu**

Ms. De Luna went over the write-up stating that this site is located at the NW corner of Keralum Avenue and E. 9<sup>th</sup> Street along the north side of E. 9<sup>th</sup> Street. The applicant proposes to construct a 24' x 14' building with a drive-thru service window for his restaurant. He is proposing to sell grilled hamburgers, tacos, and tortas. Access to the drive-thru window will be via a 22' access off of E. 9<sup>th</sup> Street. The drive lane will allow the stacking of at least 3 vehicles. The applicant is proposing to have a 50' x 14' canopy outdoor seating area.

- **Hours of Operation:** Tuesday through Sunday from 5:00 p.m. to 2:00 a.m. Closed on Mondays
- **Staff:** 3 to 4 employees
- **Parking:** The parking lot for this site is located along the west side of the building. It is noted that this site is located within the Central Business District which is exempt from the parking code.

**REVIEW COMMENTS:** Staff believes that this business would be an improvement to this area that has been vacant for several years now. Based on the site plan provided, staff does not object to the conditional use permit.

**RECOMMENDATION:** Staff recommends approval subject to the following: 1) 1-year re-evaluation to assess this new operation, 2) compliance with Building, Fire, and Health Codes, and 3) acquisition of a business license.

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Debra Alvarez moved to approve the request as per staff's recommendation. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:46 p.m.**

**Ended: 5:48 p.m.**

**Item #1.4**

**Conditional Use Permit**

**Renewal:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Tinseltown Mission  
2516 E. Expressway 83  
Lot 1, Tinseltown Subdivision  
C-3**

## **CNMK Texas Properties, LLC**

Ms. De Luna went over the write-up stating that this site is located at the SW corner of Expressway 83 and Taylor Road. The applicant desires to renew the conditional use permit for the sale & on-site consumption of alcohol for Tinseltown. No new use is proposed or change has been made at this location. The most recent approval for this site was on August 13, 2018 for a period of 2 years. The sale of alcohol only takes place only from the main concession area.

- **Hours of Operation:** Every day from 10 a.m. to 1 a.m.
- **Staff:** 59 employees
- **Parking:** Tinseltown Mission has a total of 938 parking spaces. For a theater with 3,034 seats parking code requires 759 parking spaces (1 parking space for every 4 seats) thus exceeding code by 179.
- **Sale of Alcohol:** Section 6-4 of the Alcohol Beverage code states that such uses need to be 300' from residential uses. There are some residences within this radius (Santa Lucia Development); thus, a waiver of the separation requirement needs to be considered

**REVIEW COMMENTS:** Notices were sent to property owners within 200' of this business where Staff has not received any comments in favor or against this CUP. Staff asked Mission PD for a report of any incidents in relation to the sale of alcohol. No incidents have been reported as of this date.

**RECOMMENDATION:** Staff recommends approval subject to: 1) 2-year re-evaluation at which time the applicant will have to renew his CUP and TABC license, and 2) Waiver of the 300' separation requirement from the residential homes

Chairwoman Izaguirre asked if there was any input in favor or against the request.

There was none.

Chairwoman Izaguirre asked if the board had any questions.

There was none.

There being no discussion, Chairwoman Izaguirre entertained a motion. Mrs. Bealinda O. Deforest moved to approve the request as per staff's recommendation. Mr. Jasen Hardisen seconded the motion. Upon a vote, the motion passed unanimously.

### **ITEM #2.0 OTHER BUSINESS**

### **ITEM #3.0 ADJOURNMENT**

There being no further items for discussion, Mr. Jasen Hardisen moved to adjourn the meeting. Mrs. Raquene Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:48 p.m.

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Diana Izaguirre, Chairwoman  
Planning and Zoning Commission

