

**PLANNING AND ZONING COMMISSION
SEPTEMBER 13, 2022
CITY HALL'S COUNCIL CHAMBERS @ 5:30 P.M.**

P&Z PRESENT

Hector Moreno
Connie Garza
Diana Izaguirre
Javier Barrera
Debra Alvarez
Raquenel Austin
Ruben Arcaute

P&Z ABSENT

Jasen Hardison

STAFF PRESENT

Susie De Luna
Alex Hernandez
Jessica Muñoz
Cynthia Gonzalez
Irasema Dimas
Gabriel Ramirez

GUESTS PRESENT

Ana Y. Guerrero
Oton J. Guerrero
Juan Pinera
Jose R. Rodriguez
Gerardo Cabello
Erik Montañez
Gabriel Guerrero
Esmeralda V. Garcia
Sonja Waaser
Mark Meyen
Clemente Gonzalez

CALL TO ORDER

Chairwoman Izaguirre called the meeting to order at 5:31 p.m.

CITIZENS PARTICIPATION

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

There was none.

APPROVAL OF MINUTES FOR AUGUST 24, 2022

Chairwoman Izaguirre asked if there were any corrections to the minutes for August 24, 2022. Mr. Arcaute moved to approve the minutes as presented. Mr. Barrera seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:31 p.m.

Ended: 5:35 p.m.

Item #1.1

Rezoning:

**A 14.65 acre tract of land, more or less,
Being a portion of the South 15.37 acres
of Lot 6-10, West Addition to Sharyland
AO-I to R-1
Union Design Developers**

Ms. Irasema Dimas went over the write-up stating the subject site is located at the Northwest corner of E. Military Highway 1016 and S. Bryan Road.

SURROUNDING ZONES:

N:	AO-I	– Agricultural Open Interim
E:	AO-I	– Agricultural Open Interim
W:	AO-I	– Agricultural Open Interim

S: AO-I – Agricultural Open Interim

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

FLUM: General Commercial (GC)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff is recommending Denial.

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

Chairwoman Izaguirre asked the board if they had questions.

Mr. Barrera asked why staff was recommending denial.

Ms. Dimas stated the Future Land Use Map showed this area as General Commercial.

Ms. Barrera asked if all the red on the map was commercial.

Ms. Dimas stated all the red was commercial.

Mrs. Alvarez stated that it didn't make sense. She added there was nowhere to build residential.

Mr. Barrera stated that more than likely the whole 14 acres were not going to be used for commercial.

Ms. Dimas stated that the proposal for the rezoning was for the 14.65 acres.

Mr. Barrera stated that maybe in the future they will subdivide the property.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the R-1. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:35 p.m.

Ended: 5:42 p.m.

Item #1.2

Rezoning:

**Lot 12, Block 256,
Original Townsite of Mission
R-1 to R-2
Clemente Gonzalez**

Ms. Irasema Dimas went over the write-up stating the subject site is located approximately 150' north of Kika De La Garza Loop along the west side of Miller Ave.

SURROUNDING ZONES: N: R-1 – Single-Family Residential
E: R-1 – Single-Family Residential
W: R-1 – Single-Family Residential
S: R-1 – Single-Family Residential

EXISTING LAND USES: N: Vacant
E: Single-Family Home
W: Single-Family Home
S: Single-Family Home
Site: Single-Family Home

FLUM: Low Density Residential (LD)

REVIEW COMMENTS: The proposed zone does not comply with the City's Future Land Use Map, and surrounding land uses.

RECOMMENDATION: Staff is recommending Denial.

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

Mr. Jose Rodriguez who resides at 1614 Doherty stated he was opposed to this request. His main concerns were current issues on the alley, traffic increase on the alley, gas and water meter damages, safety for kids, noise, and non-permanent residents in the area.

Mrs. Ana Guerrero who resides at 1604 Doherty stated her main concern was increase in traffic and the safety of the kids.

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to deny the R-2. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:42 p.m.

Ended: 5:44 p.m.

Item #1.3

Rezoning:

**A 48.75 acre tract of land, more or less,
out of Lots 9-5, 9-6, 10-6, and 10-5,
West Addition to Sharyland
I-1 to R-2
Cabe Investments, LP.**

Ms. Irasema Dimas went over the write-up stating the subject site is located at the Southwest corner of Military Parkway and S. Conway Blvd. (F.M. 1016).

SURROUNDING ZONES: N: I-1 – Light Industrial
E: AO-I – Agricultural Open Interim
W: I-1 – Light Industrial

S: AO-I – Agricultural Open Interim

EXISTING LAND USES:

N: Vacant
E: Vacant
W: Vacant
S: Vacant
Site: Vacant

FLUM: Planned Unit Development (PUD)

REVIEW COMMENTS: Staff notes that the Future Land Use Map designation is Planned Unit Development probably due to Tony Domit's proposed PUD development back in 2006. However, since no subdivision were ever finalized in the original PUD, the City initiated a zoning change for this area to Industrial back in May 2018 due to the construction of the Anzaldua's International Bridge. Now, the request is to consider a Duplex-Fourplex Residential development, which would definitely be a lesser dense than the current zone. Staff does not object to the proposal since the property is approximately 230' away from Conway Blvd.

RECOMMENDATION: Staff is recommending Approval.

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

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the R-2. Mrs. Austin seconded the motion. Upon a vote, the motion passed unanimously. Chairwoman Diana Izaguirre abstained.

Started: 5:44 p.m.

Ended: 5:45 p.m.

Item #1.4

Conditional Use Permit:

**To have a Full Service Restaurant in a C-2 zone
1022 E. Griffin Parkway, Ste. 107B
Lot 1, Bryan Road Medical Plaza Subdivision
C-2
Juan Pinera**

Ms. Irasema Dimas went over the subject site is located on the southwest corner of E. Griffin Parkway (F.M. 495) and Bryan Road. The applicant desires to run a full-service restaurant mid to upscale plating and dishes will represent a fusion between Japanese, Peruvian, and Mexican dishes. The property is zoned Neighborhood Commercial (C-2). Sec. 1.42(3)(e) of the Zoning Code states that restaurants require a CUP if in a Neighborhood Commercial Zone (C-2).

- **Hours of Operation:** Tuesday – Thursday from 11:00 a.m. to 10:00 p.m.
Friday – Saturday from 11:00 a.m. to 12:00 a.m.
Sunday from 11:00 a.m. to 6:00 p.m.
- **Staff:** 3-10 employees
- **Parking:** The restaurant will have a total of 88 seats which requires 22 parking spaces (88 seats/4 = 22 spaces). The site currently has a total of 150 parking spaces held in common.

- **Landscaping:** Landscaping is existing and meeting code.

REVIEW COMMENTS: Staff mailed out 13 notices to property owners within 200' radius and has not received any comments in favor or against the request. Staff does not object to the request.

RECOMMENDATION: Staff recommends approval subject to:

- 1) 1 yr. re-evaluation in order to assess this new operation,
- 2) Must comply with all City Codes (Building, Fire, etc.),
- 3) CUP not to be transferable to others, and
- 4) Must acquire a business license prior to occupancy.

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

Mr. Sergio Bazan who resides at 2212 Bryan road asked if he would receive a new notice when the applicant applied for the sale of alcohol and if the permit was for life of use.

Ms. De Luna stated the permit was not for life of use and he would receive a notice every time.

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the conditional use permit as recommended by staff. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:48 p.m.

Ended: 5:49 p.m.

Item #1.5

Conditional Use Permit:

Drive-Thru Service Window

- La Mexico

4009 N. Inspiration Road

Lot 9, Block 5, Taurus Estates Subdivision No. 9 Ph. I

C-2

Blesson B. George

Ms. Irasema Dimas went over the write-up stating the 3,728 sq. ft. convenience store is located on the NW corner of Inspiration Road and Azalea Street. The applicant is proposing to utilize the existing drive-thru service window for his business. The last CUP for the Drive-Thru Service Window was approved on August 21, 2021 for a period of 2 years. Since there is a new operator a new CUP must be considered once again. The site has a 30' access point off of Inspiration Road and a 24' access to an alley off of Azalea. Drive-thru customers would primarily use the Azalea alley access in order to utilize the drive-thru service window. The location of the window allows for enough stacking for at least 3 vehicles.

- **Hours of Operation:** Monday to Sunday from 6:00 a.m. to 1:00 a.m.
- **Staff:** 8 employees
- **Parking:** Based on the square footage of the building there are 12 parking spaces required. The applicant has 24 parking spaces, leaving 12 surplus spaces.
- **Landscaping:** Landscaping is meeting code.

REVIEW COMMENTS: Staff mailed out 24 notices to property owners within 200' radius and staff has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval subject to:

- 1.) 1 yr. re-evaluation in order to assess this new business;
- 2.) Must comply with all City Codes (Building, Fire, etc.)
- 3.) Must acquire a business license prior to occupancy.
- 4.) CUP not to be transferable to others.

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

There was none.

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Barrera moved to approve the conditional use permit as recommended by staff. Mrs. Alvarez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:49 p.m.

Ended: 5:52 p.m.

Item #1.6

Conditional Use Permit:

Drive-Thru Service Window

- Dak's Snacks

810 N. Schuerbach Rd., Ste. "D"

Lot 1, Sylvia Plaza Subdivision

C-2

Cristina Salazar

Ms. Irasema Dimas went over write-up stating the site is located at the SE corner of Schuerbach Road and Business 83. There is an existing 24'x 35' (840 sq. ft) snack shop with a drive-thru service window. This CUP was previously approved on July 26, 2021 for a period of 1 year. Access to the site is provided off of Schuerbach Road with a 45' driveway. The drive-thru service window is located approximately 15' from the corner of the building which provides stacking for approximately two vehicles.

- **Days / Hours of Operation:** Monday—Sunday from 11 a.m. to 11 p.m.
- **Staff:** 4 employees
- **Parking:** The 840 sq. ft. site requires 5 spaces. It is noted that the parking area is held in common (35 existing parking spaces, inclusive of gas pump stalls) and is shared with other businesses. Staff has calculated the entire site (the two buildings) to require 21 total parking spaces, thus exceeding code by 14 parking spaces.

REVIEW COMMENTS: Staff has not received any complaints in regards to the drive-thru service window for this location in the past CUP approvals.

RECOMMENDATION: Staff recommends approval subject to:

1. 3 year re-evaluation to assess this operation.
2. Must comply with all City Codes (Building, Fire, etc.)
3. CUP not transferable to others

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

There was none.

Chairwoman Izaguirre asked the board if they had questions.

There being no further discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to approve the conditional use permit as recommended by staff. Mrs. Garza seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #2.0

ADJOURMENT

There being no further items for discussion, Chairwoman Izaguirre entertained a motion. Mr. Arcaute moved to adjourn the meeting. Mrs. Austin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:52 p.m.

A handwritten signature in dark ink, appearing to be 'Diana Izaguirre', written over a horizontal line.

Diana Izaguirre, Chairwoman
Planning and Zoning Commission