

**PLANNING AND ZONING COMMISSION
OCTOBER 12, 2016
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Ned Sheats
Marisela Marin
Mario Garza
Carlos Lopez

P&Z ABSENT

John Guerra
Diana Izaguirre
Julio Cerda

STAFF PRESENT

Daniel Tijerina
Jaime Acevedo
Virgil Gonzalez
Susana De Luna
Jesus Gonzalez

GUESTS PRESENT

Nancy Gonzalez
Emma E. Castillo
R. Santa Ana
Florentino Castillo
Rosalia Garcia
Obed Jimenez
Rick Gonzalez
Eduardo Martinez
Luis Moreno
Ariel King
Dolores Garcia

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 OCTOBER 12, 2016

Chairman Sheats asked if there were any corrections to the minutes for September 28, 2016. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:00 p.m.

Ended: 5:04 p.m.

Item #1.1

Rezoning:

**0.34 acre tract of land, more or less,
Out of Lot 19-1 & 0.39 acre tract of land,
More or less, out of Lot 19-1,
West Addition to Sharyland Subdivision
R-1 to C-3
Rogelio Rodriguez**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 600' south of Business Highway 83 along the east side of Inspiration Road.

SURROUNDING ZONES: N: C-3 General Commercial
 E: AO-I Agricultural Open Interim
 W: I-1 Light Industrial
 S: AO-I Agricultural Open Interim

EXISTING LAND USES: N: Commercial
 E: Vacant Agricultural
 W: Industrial (Halliburton)
 S: Vacant Agricultural
 Site: Vacant Agricultural

FLUM: General Commercial (GC)

REVIEW COMMENTS: The land uses reflect the zonings shown above. The Future Land Use Map reflects a General Commercial (GC) land use, too; thus, C-3 is directly consistent to the GC designation.

RECOMMENDATION: Staff recommended approval.

Chairman Sheats asked if the applicant or representative were present.

Mr. Jaime Acevedo stated that the applicant had informed him that he was not going to be able to attend the meeting.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.

Ended: 5:09 p.m.

Item #1.2

**Conditional Use Permit: To Construct a 50' Radio Antenna Tower
 1020 N. Los Ebanos Road
 Lot 1, El Divino Redentor Subdivision
 R-1
 El Divino Redentor Church**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 1000' north of Business Highway 83 along the east side of Los Ebanos. The site has an existing church (El Divino Redentor). Access to the site is provided through a driveway off of Los Ebanos. El Divino Redentor is proposing to install a new 50' radio antenna guyed tower in order to transmit their sermons and other church related programs. The church was

granted approval by the Federal Communications Commission for a low power broadcast station construction permit.

REVIEW COMMENTS: In speaking to the applicant, the tower will be located in a landscaped area behind the main assembly hall. The base of the tower will not be visible to the public and the tower itself is only 50' in height. A similar CUP was granted on November 21, 2014 by P&Z at 405 W. 12th Street for La Respuesta Church Ministries for a 110' radio tower. As of this writing, staff has not received any comments for or against this proposal.

RECOMMENDATION: Staff recommends approval of the CUP for life of use subject to: 1) Installation of an 8' opaque fence around the antenna tower area, 2) Must allow for co-location by others, and 3) the CUP shall not be transferable to others.

Chairman Sheats asked if the applicant or representative were present.

Pastor Obed Jimenez stated that address was 1020 N. Los Ebanos Road. He added that they had received a construction permit from the FCC to construct a low power FM radio station 50 watts and they were seeking a permit to erect their tower. He mentioned that it was barely going to clear the building and it would be constructed on the green area

Chairman Sheats asked if it was going to be used exclusively for the church.

Pastor Jimenez mentioned that it was a non-profit and it was going to be used exclusively for the church.

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

There was no response.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the rezoning as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:09 p.m.

Ended: 5:16 p.m.

Item #1.3

Conditional Use Permit:

**Manufacture, Package, and Sale of
Dried Fruit in a C-3 Zone**

1928 N. Conway Avenue, Suite A

A 132' x 323' tract of land out of

Lot 23-7, West Addition to Sharyland Subdivision

C-3

Emma E. Castillo

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the SE corner of East 20th Street and Conway along the east side of Conway Avenue. The applicant is proposing to manufacture, process, package, and the sale of dried fruit on a property Zoned C-3.

The Zoning Code requires the “manufacturing, processing, packaging of food products” to be done within an I-1 (Light Industrial Zone). However, and I-1 permitted use may be permitted within a C-3 with a CUP (Zoning Code, Art. VIII, Sect. 1.43 (3)(i)). It is noted that the sale of dried fruit is a permitted use in a C-3 Zone.

The applicant is proposing the use of 1 drying machine for the fruit and 1 machine for sealing the packages. Once the products are packaged, the dried fruit will be stored and sold on-site and to suppliers that will then sell to stores, etc.

- Hours of Operation: Monday – Sunday from 10 a.m. to 5 p.m.
- Staff: There will be only 1 employee per given shift
- Parking: The suite requires 6 parking spaces. It is noted that the parking area is held in common (35 existing parking spaces) with other suites.
- Must comply with all Building, Fire, and Health Codes.

REVIEW COMMENTS: P&Z has reviewed and approved other similar requests for the manufacturing, processing, and re-packaging of food products and similar to the other CUP requests. Staff feels that this new business will be beneficial to the current business area. As of this write-up, Staff has not received any comments for or against this proposal.

RECOMMENDATION: Staff recommends approval for 1 year subject to compliance with all Building, Fire and Health Codes and must acquire a business license and any health cards that may be required.

Mrs. Marisela Marin asked Mr. Tijerina what type of product they were buying because she was more concerned about the suppliers. She added that they were going to have more movement at this site because they could pick up or get the product delivered.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Emma G. Castillo who resides at 2402 Highland Drive was present to address any questions from the Board.

Mr. Tijerina asked Mrs. Castillo what plans she had for this property.

Mrs. Castillo stated that it would be a small business where they would be making gourmet dehydrated fruit that would be packaged in small containers. She mentioned that it would not be industrial or a big operation. She added that the idea was to start a small business to see if it works out and if it does then move to a bigger location.

Chairman Sheats thanked Mrs. Castillo for going through the conditional use permit and wished her good luck with her business.

Mrs. Castillo stated that this business was more of a gift type business.

Chairman Sheats asked if she was proposing to have big trucks for delivery.

Mrs. Castillo replied, "No".

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

There was no response.

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

Started: 5:16 p.m.

Ended: 5:27 p.m.

Item #1.4

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic
Beverages – Arely's Event Center
1809 W. Griffin Parkway
Lots 9-11, Southern Oaks Phase I, Subdivision
C-3
Daisy A. Vela**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located 500' west of Inspiration Road along the south side of Griffin Parkway. There is a portion of an existing 7,200 sq. ft. building that is currently being used as a Banquet/Party Hall for such activities as weddings, reunions, birthday parties, seminars, etc. that does not offer sale and on-site consumption of alcohol.

- **Hours of operation:** The business will be open on Fridays & Sundays from 6p.m. to 12a.m. & Saturdays from 6p.m. to 1a.m.
- **Parking:** In viewing the floor plan there are 16 tables being proposed. Assuming that 10 seats are proposed per table, 53 parking spaces are required for the hall (160/3 seats = 53.3). There are a total of 114 parking spaces held in common at this development. Since activities are proposed to be held at later hours and only on weekends, when most businesses at this development should be closed, Staff does not believe that there will be any complaints regarding the number of parking.
- **Landscaping:** Landscaping meets code.

In viewing the location map, there are single family residences located within three-hundred feet (300') to the south of the business. The City's Alcohol Beverage and Zoning Code states the following:

The property line of the lot of any of the above-mentioned businesses, especially those businesses which have late hours must be at least 300 feet from the nearest residence, church, school or publicly owned property, or must provide sufficient buffering and sound insulation of the building such that the business is visible and cannot be heard from such structure or areas, and must be designed to prevent disruption of the character of adjacent residential areas.

The planning and zoning commission may, under extenuating or special circumstances unique to the site or event, recommend waiver of the 300 foot requirement on a temporary or permanent basis to the city council who shall have the ultimate decision on the matter.

Seven (7) notices were mailed to property owners within a 200' radius of the site. As of the date of this write-up, the Planning Department has not received any comments in favor or against this request.

RECOMMENDATION: Staff recommends approval of the CUP subject to:

1. Compliance with all Health and Fire Department requirements.
2. Compliance with Texas Alcoholics Beverage Commission (TABC) requirements.
3. Wet zone the property.
4. Recommend waiver of 300' separation requirement to City Council.
5. The acquisition of a Business License.
6. 1 year re-evaluation.
7. The sale of alcohol will only be till 12 midnight as per ordinance #4320.

Chairman Sheats asked if both events centers would be operating simultaneously.

Mr. Eduardo Martinez replied, "Yes".

Mrs. Marin asked if they were going to have enough parking.

Mr. Martinez stated that they had a contract in place with Valeria to take care of all the landscaping and currently where they have some brushes that connect Valeria's to their business is going to be paved. Mr. Martinez stated that were going to have all the way from Valeria's to canal of parking spaces, which includes about 270 parking spaces in total.

Mrs. Marin asked if the other businesses that were in that area were businesses opened Mondays to Fridays from 8 to 5.

Mr. Martinez replied, "Yes".

Mrs. Marin asked what's in the middle.

Mr. Martinez mentioned that it was a shake business like where they sell milk shakes and the other building has been empty for 5 or 6 years. He added that he has talked to the

new owner which has mentioned that he was going to have a home health services from Mondays to Thursdays.

Mr. Tijerina mentioned that he was only going to continue with Areli's Celebration Hall for 1 or two more years.

Mr. Martinez stated that their contract for Areli's Celebration Hall expires in November 2017 but currently they were in the process of buying it out. He added that he has done the irrigation system of the entire plaza including the islands in the middle out of his own pocket and put the security lights so it could be very well lighted during the nights. Mr. Martinez stated that the Board might recall Mr. Arevalo the owner of the property was very reluctant to making any improvements to the site because his business didn't need the improvements therefore he made all improvements out of his own pocket to be in compliance with the City's requirements.

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

There was no response.

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

Started: 5:27 p.m.

Ended: 5:34 p.m.

Item #1.5

Conditional Use Permit:

**To Construct a 7,000 square foot Garage Building on Property Zoned AO-I
3304 N. Bryan Road
A 4.0 acre tract of land out of Lot 29-11,
West Addition to Sharyland Subdivision
AO-I
Dr. Ivan G. Melendez**

Mr. Daniel Tijerina went over the write-up stating that the subject site is located at the NE corner of Bryan Road and Mile 2 Road along the east side Bryan Road. The 4.0 acre irregular lot has frontage to Mile 2 and Bryan Road and Dr. Ivan Melendez has a residence thereon. The applicant is requesting a CUP for the construction of an accessory structure in an Agriculture Open Interim (AO-I) district. Section 1.36(3)(M) cites that a CUP may be issued on "other uses which, as determined by the Planning and Zoning Commission, are not contrary to the purposes established for this district"

REVIEW COMMENTS: If approved, the applicant is requesting to build a 7,000 square foot garage to house his personal auto collection. Mr. Melendez has about 25 cars. 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 received no calls or letters in opposition of this request.

Mr. Tijerina mentioned that staff had included a copy of Ordinance 3602 which talked about the façade to be stucco, brick or a different finish just for the main section facing 2 Mile and Bryan Road.

RECOMMENDATION: Staff recommends approval subject to: 1) revaluating this CUP for 3 years, 2) comply with Ord. 3602 and that the appearance, construction, material and the location of the lot be screened as far as noise, 3) lighting to be limited to only the area around the garage, and 3) that no car repairs or restoration be done there.

Mr. Tijerina mentioned that Mrs. Gonzalez who represents the doctor has advised him of the ordinance and he is willing to comply.

Mrs. Marisela Marin suggested that they approve the CUP for life of use instead of the 3 years as recommended by staff if they meet all the requirements.

Mrs. Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mrs. Nancy Gonzalez who resides at 3304 N. Bryan Road was present to address any questions from the Board.

Chairman Sheats asked if the building was just going to be used for storage of vehicles.

Mrs. Gonzalez replied, "Yes".

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

There was no response.

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 but for life of use. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.

Ended: 5:40 p.m.

Item #2.0

Homestead Exemption Variance:

**A tract of land containing 2.314 acres
Being a part or portion out of Lot 29-8,
West Addition to Sharyland Subdivision
AO-I
Luis Moreno**

Mr. Daniel Tijerina went over the write-up stating that this tract is located along the west side of Mayberry Road. The lot measures 240' along Mayberry Road by a lot depth of 420' or 100,800 total sq. ft. The lot exceeds the square footage size requirements for an R-1 lot. The applicant desires to construct his single family residence thereon. On 11-10-14, the City Council passed the HEV ordinance which allows for homesteads to be granted various waivers to the City's subdivision requirements if and only if, the lot is being proposed for the applicant's personal single family home.

Water: The applicant is proposing to connect to an existing 8" water line located along the west side of Mayberry Road to provide water service to the lot.

Sewer: The applicant is proposing to connect to an existing 12" sanitary sewer line along the east side of Mayberry Road to provide sewer service to the lot. The capital sewer recovery fee is waived via HEV.

Streets & Storm Drainage: The subject site has frontage to Mayberry Road, which has an 80" ROW with a future 57' B/B paved street. An additional 20' of Row will be needed to be dedicated to the City. Drainage will be onsite.

Other Comments:

- Must comply with Model Subdivision Rules
- Must dedicate water rights
- The street light requirements is also waived via the HEV
- The park fees are also waived.

RECOMMENDATION: Staff recommends approval subject to dedication of 20" of additional ROW along Mayberry Road and compliance with all homestead exemption variance requirements (i.e., affidavit, etc.)

Mrs. Marin mentioned that she has asked staff for a summary of the amount that the applicant is saving with this variance but staff hasn't presented anything to the Board.

Chairman Sheats asked staff to present an item at the next meeting showing how many homestead exemption variances have been submitted since the City Council approval and the savings on each of the variances.

Mr. Tijerina mentioned that staff would work on a spreadsheet showing that information requested.

Chairman Sheats asked if the applicant was present.

Mr. Luis Moreno who resides at 301 Stonegate Drive was present to address any questions from the Board.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Marisela Marin moved to approve the homestead exemption variance as per staff's

recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #3.0
OTHER BUSINESS**

**ITEM #4.0
ADJOURNMENT**

There being no further items for discussion, Mr. Mario Garza moved to adjourn the meeting. Mr. Marisela Marin seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:41 p.m.

Ned Sheats, Chairman
Planning and Zoning Commission