

**PLANNING AND ZONING COMMISSION  
MARCH 9, 2016  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
John Guerra  
Carlos Lopez  
Mario Garza  
Julio Cerda

**P&Z ABSENT**

Marisela Marin  
Diana Izaguirre

**STAFF PRESENT**

Daniel Tijerina  
Jaime Acevedo  
Susana De Luna  
Eddie Latin

**GUESTS PRESENT**

Homero & Cristina Villarreal  
Ramiro Gonzalez  
Armando Garza  
Cesar Suarez  
Raul Vela  
Cesar Suarez

**CALL TO ORDER**

Chairman Ned Sheats called the meeting to order at 5:02 p.m.

**CITIZENS PARTICIPATION**

Chairman Sheats asked if there was any citizen's participation.

There was none.

**APPROVAL OF MINUTES FOR FEBRUARY 24, 2016**

Chairman Sheats asked if there were any corrections to the minutes for February 24, 2016. Mr. Mario Garza moved to approve the minutes as presented. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:02 p.m.**

**Ended: 5:05 p.m.**

**Item #1.1**

**Conditional Use Permit:**

**4 Drive-Thru Lanes for Banking  
Services for Texas Regional Bank  
2300 E. Griffin Parkway  
Lot 1, TRB Subdivision  
C-3  
Texas Regional Bank**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 180' west of Shary Rd. along the south side of Griffin Parkway. This CUP was last approved by the P&Z on February 26, 2014, with a 1 year re-evaluation. However, the bank did not obtain a business license until September 16, 2014.

Primary access to the drive-thru lanes is off Glenwood Avenue. Access can also be off Griffin Parkway but traffic would have to wrap around the building to make their way

around the south side of the building to the drive-thru lanes which are along the east side of the building.

- **Hours of Operation:** Monday – Thursday from 9a.m. to 4p.m., Friday from 9a.m. to 6p.m., Saturday from 9a.m. to 12p.m. **Drive Thru Hours** – Monday – Friday from 8a.m. to 6p.m., Saturday from 8a.m. to 12p.m.
- **Staff:** 5 – 10 employees (in shifts)
- **Parking:** The bank measures 4,093 sq.ft. which requires 13 parking spaces. There are 28 proposed parking spaces, exceeding code by 15.

**REVIEW COMMENTS:** This bank has been in operation for over 1 year now and appears to be a great asset to the area and should help create additional commercial uses along Shary and Griffin Parkway. There haven't been any reported issues with the drive-thru lanes since this operation began.

**RECOMMENDATION:** Approval for life of use.

Chairman Sheats asked if the applicant or representative were present.

Representing Texas Regional Bank, Mr. Cesar Suarez whose address is 2300 E. Griffin Parkway was present to address any questions from the Board.

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. Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:07 p.m.**

**Ended: 5:10 p.m.**

**Item #1.2**

**Conditional Use Permit:**

**Limousine Service on a Neighborhood  
Commercial (C-2) Zoned Property  
423 E. Griffin Parkway  
W. 660' – E. 140' – S. 208' out of Lot 25-8,  
West Addition to Sharyland Subdivision  
C-2  
Manuel Gonzalez**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the NE corner of Griffin Parkway and Tanglewood Dr. This CUP was previously approved by P&Z on November 11, 2012 with a 3 yr. re-evaluation. Mr. Gonzalez has been operating his limo service (6 limos) at this location for the past 6 years where clients call for service and they send the limos to the site for the pick-up.

- **Hours of Operation:** Monday – Saturday from 9a.m. to 6p.m.
- **Staff:** 2 employees, including the applicant.
- **Parking & Landscaping:** There are 8 existing parking spaces for the site. The site currently has several mature trees and other plants in the area. Staff has not received complaints regarding parking or landscaping, however we have noticed instances where limos are parked within some of the green areas.

Since the Limousine Service has not been a detriment to the neighborhood, recalling that the site fronts a major thoroughfare, i.e., inclined to a non-residential use, staff does not object to an additional 3 year re-evaluation.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. A 3 yr. re-evaluation to further assess this business;
2. Limos not to be parked within green areas.

Chairman Sheats asked if the applicant or representative were present.

Representing the applicant, Mr. Ramiro Gonzalez whose address is 423 E. Griffin Parkway stated that his brother was not able to attend the meeting due to him been in the hospital but would appreciate the Boards consideration for approval of his request.

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. Julio Cerda moved to approve the conditional use permit as per staff's recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:10 p.m.**

**Ended: 5:14 p.m.**

**Item #1.3**

**Conditional Use Permit:**

**Drive-Thru Service Window –  
Taqueria El Infiernito #2  
2310 E. Expressway 83, Suite 8  
Lot 3, Cimarron Crossing Subdivision  
C-3  
Luis Valencia**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located approximately 250' west of Shary Road on the south side of U.S. Expressway 83 within an existing commercial plaza. The applicant is proposing to re-open a restaurant with a *drive-thru service window*. The last restaurant that opened here (La Esquina Taqueria) was approved by P&Z on 12-16-15 for both the drive-thru service window and the sale and

on-site consumption of alcohol. Mr. Valencia will not sell alcohol at this location and is only seeking approval of the Drive-Thru Window at this time. Access to the site is provided via a common access drive that runs throughout the plaza. Access to the drive-thru is from the south 'rear' of the plaza. The existing drive-thru window's location allows stacking for approximately 3 vehicles.

- **Hours of Operation:** Monday - Sunday from 11a.m. to 11p.m.
- **Staff:** 6
- **Parking:** The 1,380 sq. ft. building will have a total of 35 seating spaces for the restaurant. A total of 18 spaces are required for this site ( $1,380\text{sq.ft.}/75\text{sq.ft.}=18.4$  parking spaces). It is noted that a total of 66 parking spaces are held in common within the commercial development. Staff has not received any complaints in relation to parking when prior restaurants were in operation at this location.
- Landscaping has been provided as a part of the overall commercial plaza.
- No speed bump is required by staff since the driveway's curb veers away from the building and there is landscaping impeding pedestrian traffic onto the existing traffic's lane.
- Must comply with all Building, Fire, and Health Codes, prior to obtaining a business license.
- A business license is required prior to occupancy.

**REVIEW COMMENTS:** Since this site has been previously used for a restaurant with the use of a drive-thru, Staff does not object to a new applicant re-opening the site for a new similar restaurant.

**RECOMMENDATION:** Staff recommends approval subject to:

1. 1yr. approval in order to assess this new operation;
2. Must comply with all Building, Fire, and Health Codes, prior to obtaining a business license;
3. Must acquire a business license.

Chairman Sheats asked if the applicant or representative were present.

There was no response.

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

There was no response.

Chairman Ned Sheats suggested that they include the speed bump with their recommendation.

Mr. Acevedo stated that since the speed bump was already installed they didn't included it in their recommendation but the Board could add if they wanted too.

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 including the speed bump. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:14 p.m.**

**Ended: 5:20 p.m.**

**Item #1.4**

**Conditional Use Permit:**

**Drive-Thru Service Window & the Sale  
& On-Site Consumption of Alcoholic  
Beverages – Vela's Burgers  
1500 W. Griffin Parkway  
Lot 1, Block B, Cinco de Mayo Ranch Subdivision  
& S. 105' – W. 180' – E. 440' exc. S. 65' of Lot 25-2,  
West Addition to Sharyland Subdivision  
C-3  
Gorditas Los Jarritos, LLC**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located on the NW corner of Wednesday and Griffin Parkway. The applicant has a business license and has been operating at this location since February 20, 2015. The applicant is requesting a CUP for the sale and on-site consumption of alcohol and the use of a drive-thru window. In viewing the site plan, there is a 60' X 43.8' (2,628sqft) building that has previously been used as a restaurant by various tenants over the years. The applicant is requesting to *re-open* a drive-thru window that previously existed. The location of the drive-thru service window provides enough stacking for at least three vehicles. Access to the site is provided off of both Griffin Parkway (26' driveway) and Wednesday (24' driveway). Staff does not that there is a 6' buffer to the residential north.

- **Days / Hours of operation:** Everyday from 6a.m. to 10p.m.
- **Staff:** 6 employees
- **Parking:** There are a total of 52 seating spaces which require 17 parking spaces ( $52 / 3 = 17.3$ ). The site currently has 21 parking spaces, thus meeting 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.

Nineteen (19) 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 Texas Alcoholics Beverage Commission (TABC) requirements.
2. Wet zone the property.
3. Recommend waiver of 300' separation requirement to City Council.
4. 1 year re-evaluation.

Chairman Sheats asked if the applicant or representative were present.

Mr. Raul Vela stated that he was representing his brother Mr. Roberto Vela who is the owner of the business and whose address is 1500 W. Griffin Parkway.

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

There was no response.

Chairman Sheats asked staff if the drive-thru was on the east side.

Mr. Acevedo replied, "Yes".

Chairman Sheats stated that they could enter or exit to a residential street which he didn't have a problem but would suggest that they install a "No Left Turn Sign" at the eastern exit to avoid people from traveling into the residential area.

There being no discussion, Chairman Sheats entertained a motion. Mr. Mario Garza moved to approve the conditional use permit as per staff's recommendations including the "No Left Turn Sign". Mr. John Guerra seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:20 p.m.**

**Ended: 5:24 p.m.**

**Item #1.5**

**Conditional Use Permit:**

**Sale & On-Site Consumption of Alcoholic  
Beverages – Villa Del Mar Restaurant  
207 E. Expressway 83  
Lot 3, El Pueblo Ph. II Subdivision  
C-3  
VIGA Restaurants, Inc.**

Mr. Jaime 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 October 10, 2012, with a 3 year re-evaluation. Villa Del Mar has been operating at this location for over 6 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:** Sunday – Thursday from 10a.m. to 9p.m. & Friday & Saturday from 10a.m. to 11p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **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:** Since the restaurant has been in operation since January, 2010 with no reported incidents in relation to the sale of alcohol, staff does not object to a 3 year extension.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. Continued waiver of the 300' separation requirement; and
2. A 3yr. re-evaluation to ensure continued compliance within a family retail setting.

Chairman Sheats asked if the applicant or representative were present.

Mrs. Cristina Villarreal stated that her address was 207 E. Griffin Parkway and was present to address any questions from the Board.

Chairman Sheats asked Mrs. Villarreal if she was receptive to staff's recommendations.

Mrs. Villarreal 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. Mr. Julio Cerda moved to approve the conditional use permit as per staff's recommendations. Mr. John Guerra seconded the motion. Upon a vote, the motion was approved unanimously.

**ITEM #2.0  
OTHER BUSINESS**

Mr. Daniel Tijerina asked the Board if they could have a Special P&Z Meeting on Monday, March 14<sup>th</sup> at 10:00 a.m. to discuss the possible adoption of an ordinance for Access Credit Businesses and Regulated Lenders and the distance they need to be from one another.

**ITEM #3.0  
ADJOURNMENT**

There being no further items for discussion, Mr. Julio Cerda moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:27 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission