

**PLANNING AND ZONING COMMISSION  
FEBRUARY 28, 2018  
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

**P&Z PRESENT**

Ned Sheats  
Jaime Gutierrez  
Julio Cerda  
Carlos Lopez  
Marisela Marin

**P&Z ABSENT**

Diana Izaguirre  
John Guerra

**STAFF PRESENT**

Jaime Acevedo  
Virgil Gonzalez  
Kristin J. Warshak

**GUESTS PRESENT**

Javier Flores  
Ricardo Alaniz  
Everardo Villarreal  
Mario A. Perez Inguanzo

**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 FEBRUARY 14, 2018**

Chairman Sheats asked if there were any corrections to the minutes for February 14, 2018. Mr. Carlos Lopez moved to approve the minutes as presented. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:01 p.m.**

**Ended: 5:07 p.m.**

**Item #1.1**

**Rezoning:**

0.72 acre more or less, out of Lots 15-7 and  
15-8, West Addition to Sharyland Subdivision  
(aka being Tract 30, Melba Carter U/R Subdivision  
& Lot 30, Earnhard U/R Subdivision)  
R-1 to C-3  
Everardo Villarreal

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SE Corner of Conway Boulevard and Melba Carter. The lot has 51.41' of frontage to Melba Carter and a lot depth of 610'. It does border a railroad and Conway to west side.

**SURROUNDING ZONES:** N: C-3 – General Commercial  
E: R-1 – Single Family Residential  
W: A-OP – Agricultural Open Permanent  
S: I-1 – Light Industrial

**EXISTING LAND USES:** N: Commercial  
E: Residential  
W: Vacant  
S: Vacant  
  
Site: Vacant

**FLUM:** Industrial (I)

**REVIEW COMMENTS:** Staff does not object to the proposed re-zone to C-3 due to the following:

- The proposed C-3 request is directly consistent with the FLUM;
- The C-3 request is consistent to the surrounding land uses and zones;
- The abuts a railroad and Conway Boulevard making it very appealing and a better use for commercial use.

**RECOMMENDATION:** Approval.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Applicant, Mr. Everardo Villarreal was present to answer any questions the board might have. He stated his future plans for the property is to sell sheds for homes to use as storage.

Mr. Ricardo Alaniz approached the board on behalf of his aunt who owns Lot 31 just east of Lot 30. He expressed her desire to sell her property.

Mr. Acevedo added for any future use for the property a solid buffer would need to be constructed around the entire property.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Julio Cerda moved to approve the rezoning as presented. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:08 p.m.**

**Ended: 5:11 p.m.**

**Item #1.2**

**Rezoning:**

**Lots 1 & 2, Block 61,  
Mission Original Townsite Subdivision  
R-1 to C-3  
Javier Flores**

Mr. Jaime Acevedo went over the write-up stating that the subject site is located at the SE corner of 4<sup>th</sup> and Miller Avenue.

**SURROUNDING ZONES:** N: R1 – Single Family Residential  
E: R1 – Single Family Residential  
W: R1 – Single Family Residential  
S: R1 – Single Family Residential

**EXISTING LAND USES:** N: Single Family Residential & Commercial  
E: Single Family Residential  
W: Single Family Residential  
S: Single Family Residential

Site currently has an office / retail building

**FLUM:** The Future Land Use Map reflects a Low Density Residential (LD) designation.

**REVIEW COMMENTS:** The FLUM designation Low Density Residential (LD). This site contains an office/retail building and is equipped with parking. On October 23, 2006, there was a City initiative to rezone this property from C-2 to R-1 (**see ordinance 3178**). Mr. Flores is requesting a C-2 zoning to have a neighborhood commercial facility. It is noted that similar rezonings of areas that were part of the 2006 mass rezoning have been approved by the PNZ to revert back to their prior designations. The first was at 12<sup>th</sup> Street and Keralum and was approved by the PNZ on July 22, 2015, the second was at the NE corner of Kika Loop and 13<sup>th</sup> Street approved on July 25, 2016. This is the same as both of these prior scenarios, the applicant is requesting a rezoning in a property that had previously been rezoned by City.

**RECOMMENDATION:**

Staff recommends approval of a C-2 Zoning. (Note: If the zoning is approved, the FLUM will be amended to reflect a commercial designation.)

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Mr. Javier Flores, Applicant, was present to answer any questions the board might have.

There being no further discussion, Chairman Sheats entertained a motion. Mr. Carlos Lopez moved to approve the rezoning as per staff's recommendations. Mr. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:12 p.m.**

**Ended: 5:22 p.m.**

**Item #1.3**

**Conditional Use Permit:** To keep a Portable Building for

Office Use – M's Auto Sales  
1523 E. Expressway 83  
Lot 6, Henry Saenz Subdivision  
C-4  
MM & MP Enterprises, LLC

Mr. Acevedo went over the write-up stating the applicant has leased property located at 1523 E. Expressway 83, more specifically on the corner of frontage road and Stewart Road. Currently, there is a CUP for the portable building that has been used as a sales office for the sale of automobiles since January 26, 2005. Since the CUP is not transferable to others, the applicant desires a CUP to continue the use of the portable building as a sales office. It is noted that Lots 1-5 of this subdivision all have portable buildings thereon that are also used as automobile sales offices.

- **Hours of Operation:** The proposed hours of operation will be Monday through Saturday from 10 am to 6 pm
- **Staff:** 4-6 employees will man the operation
- **Parking & Landscaping:** A 193' X 84' asphalt area exists in the front of the building. It will serve as the display area for the vehicles and as parking for patrons as well. A minimum of 5 parking spaces are required for the proposed use based on the square footage of the building. Staff observes that the lot is in a highly visible area—NW corner area of U.S. Expressway 83 and Stewart Road. Like we have done with the other existing auto and truck sales dealers in the area, we are asking that the applicant improve the landscaping in the front display area of the lot.

**RECOMMENDATION:** Approval subject to: 1) the acquisition of a Business License, 2) 5 paved parking spaces being restriped for customer and employee parking, 3) compliance with the sign ordinance, 4) 1 year re-evaluation, and 5) compliance with Section 1.57-3 of the Landscaping and Buffering Code on outside storage. Regarding the latter condition of approval, the rear storage area of the site must be completely screened from public view.

Chairman Sheats asked if there were any comments in favor or against the request.

There were no comments.

Mr. Mario A. Perez Inguanzo, Applicant, was present to answer any questions the board might have.

Mrs. Marisela Marin inquired as to the availability of parking at the location.

Chairman Sheats pointed out currently there is no ADA or handicap parking available as well.

Mr. Julio Cerda inquired as to the cleaning up of the property location due to it being an eye sore.

The Applicant and Mr. Acevedo explained that the property is being cleaned up and will be maintained by the Applicant. As well as installing a fence in the rear area of the property.

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. Jaime Gutierrez seconded the motion. Upon a vote, the motion passed unanimously.

**ITEM #5.0**  
**OTHER BUSINESS**

There was no other business.

**ITEM #6.0**  
**ADJOURNMENT**

There being no further items for discussion, Julio Cerda moved to adjourn the meeting. Jaime Gutierrez seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:24 p.m.

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Ned Sheats, Chairman  
Planning and Zoning Commission