

**PLANNING AND ZONING COMMISSION
NOVEMBER 14, 2012
CITY COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

Rene Flores
Ned Sheats
Marisela Marin
Carlos Lopez
Diana Izaguirre
Mario Garza
Abiel Flores

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Susana De Luna

GUESTS PRESENT

Teofilo Aguillon
Rogelio Rodriguez
Raul Santiago

CALL TO ORDER

Chairman Rene Flores called the meeting to order at 5:21 p.m.

CITIZENS PARTICIPATION

Chairman Rene Flores asked if there was any citizens' participation.

There was no response.

APPROVAL OF MINUTES FOR OCTOBER 24, 2012

Chairman Rene Flores asked if there were any corrections to the minutes for October 24, 2012. Mr. Ned Sheats moved to approve the minutes as presented. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:21 p.m.

Ended: 5:27 p.m.

ITEM # 1.1

Conditional Use Permit:

**Daycare in an R-3 Zone
Lots 19 & 20, Block 6,
Northwest Addition
R-3
Teofilo Aguillon**

Mr. Daniel Tijerina went over the write up stating that the subject site is located on the SW corner of Perkins and 20th Street. P&Z previously approved a CUP for a daycare at this location on 7/20/11 with a 1 year re-evaluation if fully compliant with the installation of a fire sprinkler system and a fire alarm. However, the need for a fire sprinkler system has been removed due to compliance with an exception allowed by the fire department. The fire alarm requirement is still pending. The

applicant is proposing to re-open the daycare, where no one will live at the residence. Section 1.56(g) states the following:

"With regard to proposed variances to subsections 1.56-1 (a), (d), or (f), a minimum 90% of the property owners within the 200-foot mail out radius shall provide written support for the proposed home occupation to request variance."

The applicant has provided the signatures of 90% of the surrounding property owners (within 200') approving the request as required by code.

- **Days & Hours of Operation:** Monday – Friday 7:00 a.m. to 6:00 p.m.
- **Staff:** 3
- **Parking:** The 2,906 sq. ft. building requires a minimum of 10 spaces. There are 11 spaces provided, thus compliant with code.
- Must obtain DHS certification and a new business license prior to opening the business.

This site has been utilized as a daycare for several years without incident. Staff does not object to a 1 year re-evaluation in order to ensure that the new operator will not have any incidents on-site.

Staff recommended approval subject to: **1)** 1 year re-evaluation to assess the new operation, **2)** must provide DHS certification, and **3)** must comply with Fire requirements in order to acquire a business license.

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

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Mr. Teofilo Aguillon who resides at 6810 N. 1st Lane in McAllen was present to address any questions that the Board might have.

Chairman Rene Flores asked Mr. Aguillon if he had any experience in running a daycare before.

Mr. Aguillon replied, "Yes".

Chairman Rene Flores asked if he had been running a daycare for years and where.

Mr. Aguillon stated that he had been running the daycare in the same location.

Mr. Bobby Salinas stated that in previous conditional use permits the people that were leasing the building applied for the permit and now since he is the property owner, he wants to apply under his name that way if management were to change the CUP does not have to change.

Chairman Rene Flores asked if the same staff were operating the daycare and the only change was that the property owner was getting the CUP under his name.

Mr. Salinas stated that it was not the same staff as before because he was leasing the property, but it is the same property owner.

Chairman Rene Flores asked if he was going to be running the daycare.

Mr. Salinas stated that the applicant was going to have his manager be in charge of the daily operations.

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

Started: 5:27 p.m.

Ended: 5:34 p.m.

ITEM # 1.2

Conditional Use Permit:

**Sale & On-Site Consumption of
Alcoholic Beverages – Solo
Empanadas Y Mas Restaurant
1522 E. Expressway 83, Suite 114
Lot 4, Stewart Plaza Subdivision
C-3
Solo Empanadas Y Mas, LLC**

Mr. Daniel Tijerina went over the write up stating that the subject site is located on the SW corner of Stewart Road and Expressway 83. There is a new commercial plaza located on the site, which is proposing a new 1,400 sq. ft. restaurant with the sale and on-site consumption of alcohol. Access to the site will be provided from a 38' driveway off of Expressway 83.

- **Days & Hours of Operation:** Monday – Thursday from 11:00 a.m. to 10:00 p.m., Friday & Saturday from 11:00 a.m. to 11:00 p.m. & Sundays from 11:00 a.m. to 8:00 p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 6 employees.

- **Parking:** In viewing the floor plan, the restaurant/bar has a total of 55 seats which requires a total of 18 parking spaces (55 seats/3 = 18.3 spaces). It is noted that the parking area is held in common (219 existing parking spaces) and is shared with other "future" businesses.
- **Sale of Alcohol:** Section 1.56(3a) of the Zoning code requires a minimum separation of 300' from the property line from any churches, schools, publicly owned property, and residences. There are 4 residential lots that are within the 300'.
 - Must comply with sign and noise codes.
 - Must continue to comply with Building, Health & Fire Codes.
 - Must acquire a business license prior to occupancy.

Though the suite is located near Stewart Road, there should be minimal to no impact from the restaurant towards the residential neighborhood. Also, the proposed closing times are very similar to other family oriented restaurants.

Staff recommended approval subject to: **1)** no objection to waiver of the 300' separation requirement, **2)** 1 year re-evaluation after business license issuance to assess this new operation, **3)** wet zone the property (if needed), **4)** must comply with typical sign and noise codes, **5)** must comply with Building, Fire, and Health codes, and **6)** must acquire a business license.

Chairman Rene Flores asked if there were any public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

Representing his wife, Mr. Rogelio Rodriguez who resides at 4508 Toronto Avenue in McAllen was present to address any questions that the Board might have.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats 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: 5:34 p.m.

Ended: 5:42 p.m.

ITEM # 1.3

Conditional Use Permit Renewal:

**Limousine Service on Neighborhood Commercial (C-2) Zoned Property
W. 660' – E. 140' – S. 208' out of
Lot 25-8, W.A.S.
423 E. Griffin Parkway**

C-2
Manuel Gonzalez

Mr. Daniel Tijerina went over the write up stating that the subject site is located on the NE corner of Griffin Parkway and Tanglewood Drive. This CUP was previously approved by P&Z on 7/8/09 with a 3 year re-evaluation. Mr. Gonzalez has been operating his limo service (6 limos) at this location for the past 3 years where clients call for service and they send the limos to the site for the pick-up.

- **Days & Hours of Operation:** Monday – Saturday from 9:00 a.m. to 6:00 p.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 to further assess this business, and limos not to be parked within green areas.

Chairman Rene Flores asked if there were any public opposition to the request.

There was no response.

Chairman Rene Flores asked if the applicant or representative were present.

There was no response.

Chairman Rene Flores stated that staff needs to have some type of record of the notice of their violation and if they continue to park the limos on the green area then their CUP might be in jeopardy of being renewed for 3 more years. He added that just like we monitor other businesses like bars, we can do the same thing with this business.

Mrs. Marisela Marin asked Mr. Tijerina if there was enough parking area to park 6 limos and 2 other cars from the workers.

Mr. Tijerina stated that they did have enough room to park all the vehicles because they had some parking that was facing the alley.

Mr. Mario Garza mentioned that there was another business in the same location which might be the reason for the 2 extra vehicles.

Mr. Ned Sheats stated that staff needed to re-evaluate the parking in that area because of the second business. He added that the second business was already there. Mr. Ned Sheats recalled that they didn't really address parking heavily because they were only supposed to have 4 limousines only and all of the customers were to be picked up nobody was going to drive to the site.

Mr. Tijerina stated that staff could certainly address the parking issue in the letter of action and could also make an appointment with the applicant to personally meet at the site.

Chairman Rene Flores stated that if they meet the parking requirements then it was okay, but if they didn't then they needed to comply. He added that he was not opposed to the business especially in an area that is slowly becoming commercial but would like to see a nice business.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the conditional use permit as per staff's recommendation including the re-examination of the parking for the area. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Mr. Daniel Tijerina reminded the Board of the Special Meeting scheduled for Monday, November 19, 2012 at 5:00 p.m. He also mentioned that the Mayor had asked staff to ask the Board Members which term was set to expire December 31st if they wish to continue to serve on the Board in this case Mr. Carlos Lopez and Ms. Diana Izaguirre. Mr. Tijerina asked Mr. Carlos Lopez & Ms. Diana Izaguirre if they wish to continue serving on the P&Z Board and the both said they would continue serving on the Board.

ITEM # 2.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Ms. Diana Izaguirre seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:45 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission