

**PLANNING AND ZONING COMMISSION
AUGUST 14, 2013
CITY HALL'S COUNCIL CHAMBERS @ 5:00 P.M.**

P&Z PRESENT

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

STAFF PRESENT

Daniel Tijerina
Bobby Salinas
Irasema Dimas

Alejandro Moreno
Loretta Fix
Dave G. Vander Pluym
Mindy Schroeder
Linus Fix
MT Chapa
Oscar L. Cardenas
Susana Del Angel
Omar Alanis
Gilbert Hinojosa
James Griffin

GUEST PRESENT

Beverly Risley
Patty Jane Korthaus
Jane B. Schroeder
Austin Gordon
Benjamin Fombon
Carlos Garza
Sylvia Hornbuckle
Karen Ortega
Diego Luengas
Edgar Villarreal

CALL TO ORDER

Chairman Rene Flores called the meeting to order at 5:00 p.m.

CITIZENS PARTICIPATION

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

There was no response.

APPROVAL OF MINUTES FOR JULY 24, 2013

Chairman Rene Flores asked if there were any corrections to the minutes for July 24, 2013. Mr. Ned Sheats moved to approve the minutes as presented. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

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

Ended: **5:04 p.m.**

ITEM #1.1

Rezoning:

**33.9184 acres out of Lots 18-3 & 19-3,
West Addition to Sharyland Subdivision
AO-I to C-4
James B. Griffin**

Mr. Bobby Salinas went over the write-up stating that the subject site is located at the NE corner of Los Ebanos and U.S. Expressway 83.

SURROUNDING ZONES:

N: AO-I - Agricultural Open Interim
S: I-1 - Light Industrial &
 C-3 - General Commercial
E: R-1 - Single Family Residential,

	R-3	- Multi-Family Residential &
	R-4	- Mobile & Modular Home
W:	C-3	- General Business
	I-1	- Light Industrial
Site:	AO-I	- Agricultural Open Interim

LAND USES: The surrounding land uses consist of single family residential homes and an elementary school to the north and east; commercial and industrial uses to the south and west (Mission Business Park, Tractor Supply, Hermengildo De La Garza Subdivision); and single and multi-family uses to the east (Mission Mobile Home Park), Ortega Subdivision, Citrus Addition, and Lucille Pearson Elementary). The subject site currently has a cell tower on it and the rest of the property is vacant.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation along the perimeter of the site (300' depth) and Low Density Residential (LD) for the remaining acreage to the east.

REVIEW COMMENTS: With frontage to Los Ebanos and U.S. Expressway 83 and the adjacent light industrial and commercial zonings, the request is consistent with other developments in the area and along the Expressway (i.e., H.E.B. Plus located at the NE corner of U.S. Expressway 83 & Shary Road). The conceptual site plan reflects a commercial development with a 185,992 square foot building and six other lots along the perimeter of Los Ebanos and U.S. Expressway 83. Staff recommended approval.

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.

Representing the applicant, Mr. James B. Griffin who resides at 112 East Pecan in San Antonio, Texas was present to address any questions that the Board might have.

Chairman Rene Flores asked if they had any future plans for this property.

Mr. Griffin stated that they did the anchor tenant would be a 185,000 sq.ft. National retailer and they were also proposing several out lots which one would be a fuel station. He added that they couldn't really tell what business it would be yet until the project was finalized.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the request as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:04 p.m.
Ended: 5:10 p.m.

ITEM #1.2

Rezoning: **The West ½ of Lot 55,
Sharyland Orchards Subdivision**

**C-3 to R-3
Gilbert Hinojosa**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 430' south of Business 83 along the east side of Ragland Road. The site's dimensions are 204.19' x 213' (43,492.47 sq.ft.) the lot has it's frontage to Ragland Road.

SURROUNDING ZONES: R-4 to the south and C-4 in all other directions.

LAND USES: The surrounding land uses consist of a daycare on the west, Valley Bowl to the east, mobile homes to the south (Valley View Estates), and an unused portion of land owned by La Playita to the north. The subject site is currently open acreage.

FLUM: The Future Land Use Map reflects a General Commercial (GC) designation.

REVIEW COMMENTS: The subject site adjoins other, heavier commercial zones where an R-3 would transition well with the R-4 zone to the south. Staff recommended approval.

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

Mr. Martin D. Risley stated that he was the Vice-President for Valley View Lot Owners Association. He added that they were not opposed to the request but mentioned that they have always asked for some privacy fence between the property in question and their subdivision. Mr. Risley asked if they were proposing apartments.

Ms. Diana Izaguirre walked in at 5:07 p.m.

Chairman Rene Flores stated that an R-3 zone would be for apartments.

Mr. Risley asked if the Board knew if there were going to be like a four-plex.

Chairman Rene Flores mentioned that he was not aware but he could state his concerns and they would be addressed by the applicant.

Chairman Rene Flores asked Mr. Daniel Tijerina if they could impose any requirements during a rezoning.

Mr. Tijerina stated that with the apartments they could look at it as part of the plat process and also site plan review. Usually, a buffer is not required on residential uses, but that could be something staff could consider.

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

Mr. Gilbert Hinojosa stated that he was proposing to construct nice apartments. He mentioned that he currently had some apartments on Glasscock and he kept them well maintained.

Chairman Rene Flores asked Mr. Hinojosa if he would be willing to install a fence to address the neighborhoods concerns.

Mr. Hinojosa stated that he would be willing to install a fence.

Mr. Ned Sheats asked how many apartments Mr. Hinojosa was proposing to build.

Mr. Hinojosa replied, "He was proposing 12 to 14 apartments".

Mr. Ned Sheats asked Mr. Tijerina if that many apartments would fit on the property.

Mr. Tijerina stated that this would be factored at the site plan review since they have to comply with landscaping, parking, and setbacks.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the request as per staff's recommendations. 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 Lanes for
International Bank of Commerce
121 N. Shary Road
Lot 2, North Sharyland Commons Subdivision
C-3
International Bank of Commerce**

Mr. Bobby Salinas went over the write up stating that the site is located approximately 350' north of Victoria Ave. along the east side of Shary Road. The applicant is proposing to build a new 4,341 sq. ft. IBC Bank with 5 drive-thru service lanes. General access to the site will be provided from a shared 25' access driveway off of Shary Rd. that will lead into the site to 4 teller lanes and one ATM service lane. The drive thru service lanes will be located on the east side of the building, providing stacking for several vehicles.

- **Days / Hours of operation:** Monday-Saturday from 9a.m. to 9p.m. & Sunday from 12p.m. to 7p.m.
- **Staff:** 5-10 employees (in shifts)
- **Parking:** In viewing the floor plan, the bank measures 4,341 sq. ft. which requires a minimum of 14 parking spaces. The bank is proposing a total of 32 spaces, exceeding code by 18 spaces.
- Drainage for the site is proposed to be off-site within a drainage swale located to the east of the lot. This was part of the subdivision requirements which had been approved by our previous City Engineer, John Hernandez.
- Must comply with the City's recently adopted landscaping code, inclusive of landscape hedges and 6' masonry trash enclosure.
- Must comply with the City's Sign Ordinance.
- A business license is required prior to occupancy

Staff recommendation is for approval subject to: **1)** Approval for 1 year after business license issuance to review the new business; **2)** Must comply with landscaping and sign codes; **3)** Must acquire a business license; and **4)** CUP not transferable to others.

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. Carlos Garza, President from AEC Engineering at 2112 W. University Drive stated that he was representing Mr. David Guerra, President of IBC Bank. He stated that he was the project engineer and like Mr. Salinas had mentioned they are meeting and exceeding all the requirements from the city. He also stated that due to City code they are asking for the conditional use permit and as far as coming back after 1 year for the renewal they don't have a problem with it.

Chairman Rene Flores asked when they would anticipate finishing the project.

Mr. Carlos Garza replied that Marshall Construction is on a very tight schedule of about 5 months, and they are already moving dirt and working on leveling the lot.

After a brief discussion, Chairman Rene Flores entertained a motion. Ms. Diana Izaguirre moved to approve the conditional use permit as per staff's recommendations including the directional arrows, lighting, and screening the dumpster. Mr. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:14 p.m.

Ended: 5:23 p.m.

ITEM #1.4

Conditional Use Permit:

**Drive-Thru Service Window for
Banana Leaf Jarocho's Restaurant
3604 N. Conway
.63 acre tract out of Lot 30-7,
West Addition to Sharyland Subdivision
C-3
Alejandro Moreno**

Mr. Bobby Salinas went over the write up stating that the site is located in the SE area of Victory and Conway. The applicant is proposing to open a restaurant with a drive thru service window. The restaurant will be adjacent to an existing convenience store/propane store. Access to the site will be provided off Conway Blvd., through an existing 40+' driveway. There is an existing billboard sign located on the property that causes the drive-thru lane to swerve towards the south most limits of the property. The applicant is proposing to make a clear path towards the building and the drive-thru window going along the south side of the billboard sign.

- **Days / Hours of operation:** Every day from 7a.m. to 10p.m.
- **Staff:** 5 employees per shift. 2 shifts per day

- **Parking:** There are a total of 44 seating spaces which require 15 parking spaces ($44/3 = 14.6$ spaces). There are a total of 19 spaces being provided. In speaking to the owner, approx. 80% of his business will be for take-out, thus staff does not anticipate any concerns with parking.
- **Landscaping:** There are a few existing trees within the property, however none along Conway. This site has an existing building with existing pavement throughout the front. No landscaping is being required at this time.
- Must comply with Building, Fire, and Health codes prior to obtaining a business license

With the billboard's adjacency to the drive-thru lane, staff recommends that the drive-thru lane be properly striped/signage in order to avoid any confusion with the billboard sign. We will have to assess the drive-thru lane's functionality to ensure safety to the customers utilizing it. Letters were sent to the property owners within 200' of the subject tract. Staff has not received any comment for or against this request. Staff recommends approval subject to: 1) 1 year approval; 2) must comply with the Building, Fire and Health codes; 3) acquire a business license, and 4) re-striping the parking.

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. Alejandro Moreno was present to address any questions from the Board.

Mr. Ned Sheats stated that he was a little bit concerned with the billboard sign being that it has an electrical meter box at a reachable area; maybe the applicant could install some bollards around the billboard.

Mrs. Marisela Marin also asked if signs can be installed as to no entry from Victory.

Mr. Bobby Salinas explained to Mr. Moreno the new requirements from the board.

Mr. Moreno stated that he will comply with all the requirements.

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 recommendations including the installation of bollards around the billboard sign, re-striping the parking lot, and installing directional signage for the drive-thru. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:23 p.m.
Ended: 5:29 p.m.

ITEM #1.5

Conditional Use Permit:

**Sale & On-Site Consumption of Alcoholic Beverages – El Santo Refugio Restaurant & Bar
2120 E. Business 83
Lot 51, Sharyland Orchards Subdivision**

C-4
Rose Valdez

Mr. Bobby Salinas went over the write up stating that the site is located on the SE corner of Ragland Road and Business 83. On 2-28-13, the City Council had approved a CUP for the sale of alcohol for what was La Playita Restaurant for a period of 1 year. The previous applicant did not pursue opening the restaurant, thus a new applicant is now proposing to open "El Santo Refugio" Restaurant Bar. Access to the site is off of Ragland Rd. and Business 83. The site has an existing building that contains a restaurant site and a closed mechanic shop. The restaurant also has a 32' X 18' pergola located on the west side of the site. This area would be utilized only during good weather as with the previous CUP applications.

- **Hours of operation:** Everyday from 8a.m. to 12a.m. (*NOTE: La Playita Restaurant and Bar's hours were Everyday from 12:00p.m. to 2:00a.m.*) Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 6
- **Parking:** In viewing the floor plan, there are 108 total seating spaces for the restaurant, which require 36 parking spaces (108 total seating spaces/3 = 36 parking spaces). It is noted that the parking area is held in common (41 existing parking spaces) and is shared with a closed auto mechanic shop.
- **Noise Code:** In speaking to the applicant, they may have a single guitar musician or a pianist providing music for the customers.
- **Landscaping:** There is an existing green area and landscape islands within the parking lot along Business 83. During the last CUP application, Staff recommended at least 5 shade/ornamental trees be installed as part of this CUP's requirements. Since the last applicant did not open their restaurant, the proposed landscaping was never installed. Staff recommends the additional 5 trees once again.
- **Sale of Alcohol** – The applicant is proposing to have a full bar available for the restaurant. Section 1.56(3a) states that bars must be at least 300' from the nearest residence. There is an existing mobile home subdivision that is located along the south side of the site. Staff notes that during the previous CUP approvals, this separation requirement was waived by P&Z and the City Council.
- During the previous CUP approval, Staff noticed that there was an existing pool (with no water) that did not have a fence. A fence has since been installed however there is an opening that still allows access into the rear of the lot that should be properly gated.
- Must comply with Fire & Health Depts.; and must obtain a Business License.

This is an entirely new applicant from who was operating "La Playita". This applicant is proposing to be primarily a restaurant and not only a bar. Their proposed hours of operation reflect that they will not be opened similar to a bar. Since this is a new applicant and a new venture, Staff would not object to a 1 year approval. Staff recommends approval subject to: **1)** 1 year approval; **2)** Waiver of the 300' separation requirement; **3)** must install a minimum of 5 shade/ornamental trees along Business 83; and **4)** Must provide a gate in order to completely secure the swimming pool.

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.

There was no response.

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

Started: 5:29 p.m.

Ended: 5:31 p.m.

ITEM #1.6

Conditional Use Permit Renewal:

**Drive-Thru Service Window - Letdin Pharmacy
1512 E. Griffin Parkway, Suite 1
Lot 1, Stewart Professional Center Subdivision
C-3
Ledin Pharmacy**

Mr. Bobby Salinas went over the write up stating that the site is located approximately 100' south of Griffin Parkway along the west side of Stewart Road. There is an existing commercial plaza with the existing Letdin Pharmacy which has a drive thru service window. There is a maximum stacking capability of 4 vehicles along east side of the building. Access to the general site is from Stewart Road, Griffin Parkway, and cross-access easements from the Shah Eye Center complex. This CUP was most recently approved by P&Z on 4-25-12 for 1 year after the business license issuance. The business license was issued on 7-6-12.

- **Days / Hours of operation:** Monday-Friday: 8:30am-6pm; Sunday: Closed
- **Staff:** 4
- **Parking:** The 2,400 pharmacy requires a total of 9 spaces. The pharmacy is located within an existing plaza that has 172 common parking spaces. There are no issues regarding parking.
- **Landscaping:** The plaza has existing landscaping and is in compliance with code.

The pharmacy's service window allows for 4 vehicles to be easily stacked. There have been no complaints regarding the drive-thru service window. Notices have been sent to the surrounding neighbors where Staff has not received comments for or against this request. Staff recommended approval subject to a 3 year renewal and the CUP not being transferable to others.

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. Benjamin Fombon was present to address any questions from the Board.

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

Started: 5:31 p.m.

Ended: 5:34 p.m.

ITEM #1.7

Conditional Use Permit Renewal:

T-Rey's Drive-Thru Convenience Store

2504 W. Business 83

Lots 131 & 132, Ala Blanca #4 Subdivision

C-3

Reynaldo Diaz

Mr. Bobby Salinas went over the write up stating that the site is located on the NW corner of Paisano Street and Business Hwy 83. The drive thru convenience store was most recently approved on 8-10-11 for a period of 1 year after the completion of the construction of building. Access to the drive-thru is from Paisano Street and exits out to Business 83.

- **Days / Hours of operation:** Mon. – Sun. 7:00a.m. to 11:00p.m.
- **Staff:** 9
- **Parking:** A total of 23 parking spaces are needed for the convenience store/drive-thru and the Laundromat. There are currently 21 spaces on site and the owner of T-Rey's owns and currently utilizes the property on the NE corner of Paisano Street and Business 83 for surplus T-Rey parking.
- **Landscaping:** Staff is also recommending that some added landscaping be installed and maintained in order to help beautify the area. Staff is requesting at least three shade or ornamental trees along Business 83 either within the site or within the surplus parking to help provide additional aesthetics along the frontage area of the site.

Upon a site inspection of the business, there is a need for several items to bring this business into compliance with the CUP requirements. The surplus parking needs to be re-striped, the banner signs must be removed, the trash dumpster needs to be screened and the green areas to be kept up. Due to the lack of up keep of the site, staff cannot support the CUP for an extended period of time, i.e. over a 1 year period. If by the time of the meeting they comply with all outstanding issues, we may recommend for more time

Staff recommended approval subject to: **1)** 1 year approval; **2)** must stripe the surplus parking area; **3)** must install and maintain 3 additional shade or ornamental trees; **4)** provide a 6' block screen for the trash dumpster; and **5)** remove the flag signs along the front of the business.

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.

There was no response.

Chairman Rene Flores stated that he would like to table the item in order to give Mr. Diaz an opportunity to explain to the board why he has not complied with the previous requirements.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to ‘Table’ the conditional use permit as per Chairman’s recommendation. Mr. Mario Garza seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:34 p.m.
Ended: 5:36 p.m.

ITEM #1.8

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Alcoholic Beverages – Kalo’s Salon De Eventos
 1516 E. Expressway 83, Ste. K
 Lots 5, 5J, 5K, & 5L, Stewart Plaza Subdivision
 C-3
 Oscar L. Cardenas**

Mr. Bobby Salinas went over the write up stating that the site is located 400’ south of U.S. Expressway 83 along the west side of Stewart Road within a commercial plaza. The 9,240 sq.ft. social events center was most recently approved by P&Z on 1-11-12.

- **Hours of Operation:** For the most part, these events typically take place during evening hours from approximately 6p.m. to 2a.m., primarily on Fridays and Saturdays.
- **Staff:** 6 staff
- **Parking:** There are currently 170 existing parking spaces. The required parking for the event center is 58 (5,842sq.ft. (dance floor)/1 space per 100 sq. ft. = 58.4). The parking area is held in common at this development. This business also shares the parking with The Corinthian, which requires 70 parking spaces, thus requiring a minimum of 128 spaces for the two businesses. Since most activities are held at later hours and on weekends, when the other businesses at this development are closed, there haven’t been any issues with parking.
- **Sale of Alcohol:** Section 1.56 (3a) of the Zoning code requires such uses to be 300’ from residential areas. There is a residential subdivision within this radius (*Legends at Cimarron*); P&Z and City Council waived this separation requirement in the CUP’s previous approval.
- Must continue to comply with Fire and Health Codes.

Staff had requested a report from Mission PD in regards to the sale and on-site consumption of alcohol. There were no major issues as per PD.

Since there were no issues in relation to the sale and on-site consumption of alcohol based on P.D.’s report, Staff recommended approval subject to a 3 year renewal and a waiver of the 300’ separation requirement from the residential neighborhood (*Legends at Cimarron*).

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. Oscar Cardenas was present to address any questions from the Board.

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

Started: 5:36 p.m.
Ended: 5:37 p.m.

ITEM #1.9

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Alcoholic Beverages – La Fogata Restaurant
 300 N. Shary Road
 Lot 1, El Lugar Subdivision
 C-3
 El Lugar Cabrito & Steak House**

Mr. Bobby Salinas went over the write up stating that the site is located 1/3 mile north of Expressway 83 along the east side of Shary Road. La Fogata is a family oriented Mexican restaurant and bar. This CUP was most recently approved by P&Z on 2-8-12 for a period of 1 year after the acquisition of the business license.

- **Hours of operation:** Mondays – Saturdays from 7 a.m. to 12 a.m. & Sundays from 7 a.m. to 10 p.m.
- **Staff:** 114
- **Parking:** The existing 21,533 sq. ft. building has a grand total of 357 seating spaces which require 119 parking spaces ($357 / 3$ seats =). There are a total of 168 parking spaces exceeding code by 49 spaces.
- **Landscaping:** The applicant is in compliance with the landscaping requirements by currently providing various trees, plants and shrubs within landscaped islands throughout the site.
- Section 1.56-3 of the Zoning Code cites that 'Bars' must be 300' from the nearest residence, church, school or publicly owned property. There is one single family home and several mobile homes within 300' (see aerial); however, P&Z and the Council waived this separation requirement in the CUP's previous approval.

Staff has asked Mission PD to provide a report in relation to the sale of alcohol which came back with no issues.

Since La Fogata is a family oriented restaurant and there were no incidents reported by PD, Staff recommended approval subject to a 3 year renewal and the waiver of the 300' separation requirement.

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.

Mrs. Karen Ortega was present to address any questions from the Board.

There being no 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: 5:37 p.m.

Ended: 5:38 p.m.

ITEM #2.0

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Beer & Wine – Wing Stop Restaurant
1801 N. Conway Ave., Suite F
Lot 1, Enrique-Mery Subdivision
C-3
John Ortiz**

Mr. Bobby Salinas went over the write up stating that the existing restaurant site is located within a commercial plaza in the NW area of 18th Street and Conway. This CUP was most recently approved by P&Z on 1-11-12.

- **Hours of Operation:** Every day from 11:00a.m. to 12:00a.m. Alcoholic beverages are only served during allowable State selling hours.
- **Staff:** 13-17 employees
- **Parking:** There are 50 total seating spaces, which require 17 parking spaces (50 seats/1 space for every 3 seats = 16.6 parking spaces). It is noted that the parking area is held in common (66 existing parking spaces) with other smaller suites and staff has not received any complaints regarding the parking at this plaza.
- **Landscaping:** There is some existing landscaping along Conway Blvd. and the applicant had recently made significant improvements to the building and the overall site.
- **Sale of Alcohol:** Chapter 6 of the Mission Code of Ordinances states that alcohol cannot be sold within 300' of a church, school, or hospital. There are no such uses within 300' of the Wing Stop. Staff had asked Mission PD for a report of incidents in regards to the sale of alcohol. PD reported that there were no incidents.
- Must continue to comply with the City Sign Ordinance.
- Must continue to comply with Fire and Health Dept. requirements.

Wing Stop is a family-oriented restaurant that successfully acclimates well to this commercial location and Staff has not received any complaints in regards to this business.

Since there were no issues with this restaurant based on PD's report, staff recommends approval subject to a 3yr. renewal and to continue to comply with the City's Sign, Fire, Health, and any other applicable codes.

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.

There was no response.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats 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: 5:40 p.m.

Ended: 5:43 p.m.

ITEM #2.1

Conditional Use Permit Renewal:

Sale & On-Site Consumption of Alcoholic Beverages & Drive-Thru Service Window
- Mariscos 7 Mares Restaurant
2301 E. Griffin Parkway, Suite "D"
Lots 10-12, Big Orange Subdivision
C-3
Juan Jose Chapa

Mr. Bobby Salinas went over the write up stating that Mariscos 7 Mares seafood restaurant is located within an existing commercial plaza located on the NW corner of Citrus Lane and Griffin Parkway. This CUP was previously approved on 6-13-12 by P&Z for 1 year. After ordering, there is stacking for approximately 3 vehicles. There have been no reports of any accidents or incidents occurring at this location since the last CUP approval.

- **Hours of Operation:** Every day from 7:00a.m. to 11:00p.m. Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 4 employees
- **Parking:** The applicant has 80 total seating spaces, which require 27 parking spaces (80 seats/1 space for every 3 seats = 26.6 parking spaces). It is noted that the parking area is held in common (67 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** There are no churches or public/private schools within 300' of the subject site, thus being compliant to Section 6-4. Staff asked Mission PD for a report of any incidents in relation to the sale of alcohol.

No issues were reported with this restaurant based on PD's report. Staff recommended approval subject to a 3yr. re-evaluation and must continue to comply with City Code.

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.

There was no response.

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

Started: 5:40 p.m.

Ended: 5:43 p.m.

ITEM #2.2

Conditional Use Permit Renewal:

**Sale & On-Site Consumption of Alcoholic Beverages – Evera Restaurant & Bar
4001 S. Shary Road, Ste. 100
Lot 1, Tech Center No. 2 Subdivision
PUD
L'Aureola Restaurant Group, LLC**

Mr. Bobby Salinas went over the write up stating that the existing 5,600 sq.ft. restaurant is located within an existing plaza located on the SE corner of San Mateo and Shary Road. Access to the site can be from one primary driveway to Shary Road, or from separate driveways from San Mateo or from San Gabriel. P&Z most recently approved a CUP for the sale and on-site consumption of alcohol on 8-8-12 for a period of 1 year.

- **Hours of Operation:** Monday – Saturday from 4p.m. to 2a.m. Sundays - Closed Alcoholic beverages will only be served during allowable State selling hours.
- **Staff:** 12
- **Parking:** In viewing the floor plan, there are 95 total seating spaces for the restaurant, which require 32 parking spaces (95 seats/3 = 31.6 parking spaces). It is noted that the parking area is held in common (180 existing parking spaces) and is shared with other businesses.
- **Sale of Alcohol:** The existing restaurant includes a '*bar*' component. Section 1.56 (3a) of the Zoning code requires a minimum separation of 300' from the *property line* of any churches, schools, publicly owned property, and residences. There is a single family residential neighborhood located within the 300' radius; however P&Z and the City Council waived this separation requirement in the CUP's previous approval.

Planning asked PD for a report of incidents where 1 incident was reported in relation to the sale and on-site consumption of alcohol. When staff asked PD what they would recommend, PD mentioned to continue with 1 year re-evaluation and a waiver of the 300' separation requirement.

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. Diego Luengas was present to address any questions from the Board.

Mr. Ned Sheats stated that being that the board was nice enough to reward the businesses with no incidents with a 3 year renewal it was only fair to approve this for 1 year since there was 1 incident.

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 recommendations but only for 1 year. Mrs. Carlos Lopez seconded the motion. Upon a vote, the motion passed unanimously.

Started: 5:43 p.m.

Ended: 5:46 p.m.

ITEM #3.0

Site Plan Approval:

Construction of 12 Apartments

Lot 17, Taurus Estates Subdivision No. 10

R-3

Roberto Garza

Mr. Bobby Salinas went over the write-up stating that the subject site is located 130' west of Hill Crest Drive along the south side of Miroslava Avenue (in the vicinity of 2 Mile Rd. and Moorefield).

Proposal: To build 1 two story complex containing 8 one bedroom apartments and 4 three bedroom apartments for a total area of 4,839.66 sq.ft. All units to be divided by 1 hr. rated firewalls.

Setbacks: The minimum required setbacks based on the subdivision are: Front: 20', Rear Carport Setback: 4', Corner Side: 10', Side: 6'. All setbacks are being met.

Parking: The 12 units are calculated to require 24 parking spaces based on the 2:1 parking ratio. The applicant is proposing 8 spaces along the front of the apartments, 11 spaces along the rear and 5 spaces on the side for a total of 24 spaces, thus in compliance with our parking code.

Landscaping: The landscaping code requires 1 tree for every two units, thus requiring 6 shade or ornamental trees. The applicant is proposing a combination of trees, plants, and shrubs. A minimum of 6 7' tall - 3" caliper trees are required to be planted within the landscape areas along Miroslava Ave.

Other Comments:

When the plat was recorded the Capital Sewer Recovery Fee and Park Fees were levied at 6 units per lot. The following amounts are required to pay for the additional 6 units.

- Capital Sewer Recovery Fee in the amount of \$700.00 (2 one bedroom apartments X \$70.00 = \$140.00 and 4 three bedroom apartments X \$140.00 = \$560.00)
- Park Fees in the amount of \$1,800.00 (\$300.00/6 apartments)
- The location of the dumpsters to be coordinated with BFI.
- This development requires 5' sidewalks along Miroslava Ave.

Staff recommends approval subject to: **1)** pay capital sewer recovery and park fees; **2)** provide one 7' – 3" caliper shade tree per 2 apartments; and **3)** coordinate dumpster location with BFI.

Chairman Rene Flores asked if there was any input from the Board.

There was no response.

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

There was no response.

There being no discussion, Chairman Rene Flores entertained a motion. Mr. Mario Garza moved to approve the site plan as per staff's recommendations. Mr. Ned Sheats seconded the motion. Upon a vote, the motion passed unanimously.

**Started: 5:46 p.m.
Ended: 5:48 p.m.**

ITEM #4.0

Single Lot Variance:

**.1518 acre of Lot 220,
Ala Blanca Norte Subdivision Unit No. 3
R-1
Violeta Diaz**

Mr. Bobby Salinas went over the write-up stating that the subject site is located 180' west of Georgeanna Street along the west side of Judy Street.

History: This irregular shaped property originally measured 65.09' on the east, 120.04' on the north, 48.93' on the west, & 127.79' to the south.

The applicant currently owns both Lot 220 and 221. When they built their fence, it was placed within Lot 220 and their home's setbacks were based on the location of the fence which caused the home to be within the setbacks for Lot 221.

The owner wishes to sell Lot 220, minus the pie shaped portion of the lot that had been fenced in. Since a remnant is being created with the selling of the lot, the new owner of Lot 220 would have to undergo the Single Lot Variance process in order to obtain a building permit. The SLV will bring the lot into compliance with the Subdivision Code.

Utilities, Streets, & Drainage: Since the lot was previously subdivided, it was provided with all necessary water, sewer, drainage and paved streets- see improvements.

Other comments included: **1)** has already been excluded from the Water District; **2)** Park fees have already been paid; and **3)** Sewer Capital Recovery Fees have been paid.

Staff recommended approval.

Chairman Rene Flores asked if there was any input from the Board.

There was no response.

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

There was no response.

There being no further discussion, Chairman Rene Flores entertained a motion. Mr. Ned Sheats moved to approve the single lot variance as per staff's recommendations. Mrs. Marisela Marin seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #5.0
OTHER BUSINESS

Mr. Bobby Salinas stated that a citizen wanted to propose a commercial retail building on the corner of 1 Mile South and Bentsen Palm Drive. He stated that this area was recently annexed into the city limits and would like to know how the board would feel if the applicant were to propose a commercial plaza with parking backing up to Mile 1 South. He asked the board how they would feel approving this type of proposal when the FLUM reflects it as Low Density and there are homes to the east of this property. He mentioned that in his opinion this is not the right time to do commercial in that area.

Chairman Rene Flores asked how far this location from the nearest convenience store is.

Mr. Bobby Salinas replied that the nearest store was located on Business 83 and Bentsen Palm Drive. Mr. Salinas also stated that the applicant had mentioned that he would like to target the Winter Texans from the area and he would like to propose a restaurant/bar for the location.

Mr. Ned Sheats stated that this would be a good opportunity for the city to send out a survey to the property owners on the mobile home parks to find out what they would like to see built there.

Mr. Salinas stated that in his opinion the most that he could get would be a C-2.

Chairman Rene Flores stated in his opinion maybe a small convenience store.

On another topic, Chairman Rene Flores gave thanks to all the board member for showing up and he mentioned to them that they have been talking with the City Manager about getting some alternates for the board and also replacements.

ITEM #6.0
ADJOURNMENT

There being no further items for discussion, Mr. Ned Sheats moved to adjourn the meeting. Mr. Mario Garza seconded the motion. Upon a vote, the motion to adjourn passed unanimously at 5:54 p.m.

Rene A. Flores, Chairman
Planning and Zoning Commission