

Diana Martinez
Mayor
Maria del Pilar Garza
Mayor Pro-Tem
Amelia V. Gallegos
Commissioner
Pete Morales
Commissioner
Robert De La Garza
Commissioner
Luciano Ozuna, Jr.
City Manager



PLANNING & ZONING COMMISSION MEETING
WEDNESDAY, January 20, 2016 - 6:00 P.M.
ALAMO MUNICIPAL BUILDING
420 N. TOWER ROAD
ALAMO, TX 78516

AGENDA

I. CALL TO ORDER

- A. Pledge of Allegiance
- B. Consideration and Action on minutes of December 16, 2015.
- C. Consideration and Action on selecting of a chairman and vice-chairman.
- D. Consideration and Action on a conditional use permit for the sale and onsite consumption of alcohol for "La Texana Bar", physically located 1131 S. Alamo Rd., legally described as all of Lot 1, Country Living Estate No. 2 for Silvia De Ruiz Cruz.
- E. Consideration and Action on a variance request to allow the construction of a new home in an R-MH Mobile Home and Modular Home District, physically located 466 Monterrey Dr., legally described as Lot 69, La Casa Real Unit No. 1 for Jesus Marez, Jr.

II. ADJOURNMENT

I, the undersigned authority, do hereby certify that the attached agenda of a regular meeting of the Planning and Zoning Commission is a true and correct copy and that I posted a true and correct copy of said Notice on the bulletin board in the Municipal Building, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the 15th day of **January 2016 at 5:00 p.m.** and will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in blue ink that reads "Dalia Zuniga".

Posted by: Dalia Zuniga, Planner I
Friday, January 15, 2016 @ 5:00 p.m.

PLANNING AND ZONING COMMISSION MEETING
Wednesday, December 16, 2015

ATTENDANCE: Rick Cano, Juanita Solis, Tomas Moncivais, Judy Davila-Lucio

Absent: Gabriel Garza

Staff

Present: Bobby Salinas, Planning Director; Dalia Zuniga, Planner I

Mr. Rick Cano chaired the Planning and Zoning meeting.

B. Action on minutes from meeting of November 18, 2015.

Acting Chairman Rick Cano presented this item.

Mr. Tomas Moncivais motioned to approve the minutes as presented. Ms. Juanita Solis seconded the motion. Motion carried.

C. Action on a conditional use permit for the sale and onsite consumption of alcohol for "Cielo Meat Market", physically located 1043 W. Ellis Ave., legally described as all of Lots 1, 2 and the W 12-½ of Lot 3, Block 84, Alamo Original Townsite, by: Oriel Alvarez.

Mr. Bobby Salinas went over the write up, stating the subject site is located on the south east corner of Ellis Ave. and Alamo Rd. The site currently has an existing 1,714 sq. ft. building that houses a meat market/restaurant on the site with access from Alamo Rd. and Ellis Ave. He stated in regards to the business, whenever there is a business request for onsite consumption; we bring them through the conditional use permit process. These types of businesses must be at least three hundred feet (300') from the nearest residence, church, school, or publicly owned property. In regards to the parking, a building of this size requires a minimum of 7 parking spaces and there are 17 parking spaces, which exceed code. Hours of operation are everyday 7:00 a.m. to 10:00 p.m. Staff went out to the site and found a flash arrow sign with an extension cord crossing drive-thru area which is not safe and must be removed. We also noticed two exits onto Alamo Rd. the exit north of the alley would need to be removed. He stated this establishment has a meat market with a restaurant area that is geared at serving to the residential neighborhoods and in speaking to the owner he wanted to make alcoholic beverages available to his customers with food, we can see this business is not a bar due to the hours of operation closing at 10 p.m. Staff

does not object to the approval of this conditional use permit to see if it works out for the applicant and the neighboring area, so our recommendation is approval for 1 year with the waiver of the 300' separation requirement; and complying with the facility fire inspections and City's liquor license; removal of the extension cord and the closing of the drive thru exit located north of the alley. This item is now before you.

Acting Chairman Rick Cano asked Mr. Oriel Alvarez if he was the owner of the business.

Mr. Alvarez responded, yes.

Temporary Chairman Rick Cano asked what his plans were at the business.

Mr. Alvarez responded that he had a meat market and an area for a restaurant. He stated he did not want a bar. His business closes every day at 10:00 p.m. and his wife and children work there. He stated he would like to offer alcoholic beverages with food if that is what our customers want.

Acting Chairman Rick Cano asked if he had operated a business like this before.

Mr. Alvarez responded I have a construction business and that he had operated a business like this in Mexico.

Acting Chairman Rick Cano asked Mr. Alvarez he you understood that one of the exits must be removed.

Mr. Alvarez responded yes, one of the exits was authorized which is the alley, but it is too narrow and there is also a light post so it's very complicated to exit and the other exit already existed, get permission for another exit then he can close this drive-thru exit off. He asked if he could

Ms. Juanita Solis asked Mr. Bobby Salinas whatever the decision is would he only have one exit.

Mr. Bobby Salinas responded yes, that is what we are looking for.

Ms. Juanita Solis stated most of businesses now have it set up that way right.

Mr. Bobby Salinas stated because Alamo Rd. is such a wide street the amount of traffic running on that street is a lot and when you have multiple access points on a street of that size it just becomes a danger when you

have 3 vehicles trying to get to Alamo Rd. at the same time within a 150' span.

Acting Chairman Rick Cano asked Mr. Alvarez if he was selling food.

Mr. Alvarez responded yes, from 6:30 a.m. to 9:30 p.m. when we close.

Acting Chairman Rick Cano asked Mr. Alvarez if the permit is approved will you continue with the same hours.

Mr. Alvarez responded, yes and on Sunday's we close at 5:00 p.m.

Acting Chairman Rick Cano asked Mr. Alvarez are you selling food outside as well.

Mr. Alvarez responded yes, but Mr. Salinas told me that was not allowed. I also have a question would a food truck or cart be allowed to sell outside.

Mr. Bobby Salinas responded no it's not permitted, the reason we created an ordinance to get rid of that is because it was getting out of hand.

Mr. Tomas Moncivais asked Mr. Alvarez how long he has been open.

Mr. Alvarez responded about a month and two weeks.

Acting Chairman Rick Cano asked if there was anyone present wants to voice any concerns.

Ms. Elsa Gonzalez stated they were concerned about the exit off of Ellis. There are young children in the area and these are children are between the ages of new born to 18 years old. Her other concern is the liquor. If the business is doing well without it then continue that way. She stated our children are in bed by 8 to 9 o'clock at night and in the morning it's hard to get in and out of that street. There are also the cross country runners that run every day on that sidewalk and there are cyclists and people walking those sidewalks trying to get in and out from that park and we would like to keep this as a family environment. All these businesses are coming in and taking over and this is an old part of town, I'm asking that you do not approve this because of our children and ourselves. Ms. Gonzalez stated that there were also students that went into the store at all hours and I don't know if they are skipping school, but we have them on surveillance cameras.

Ms. Judy Davila-Lucio asked Mr. Bobby Salinas if there were any police reports that referenced loud music.

Mr. Bobby Salinas responded no, not that he knew of. He stated that he has only been open for a month and a couple of weeks.

Ms. Juanita Solis asked Mr. Alvarez if at any time he had loud music. The audience is stating there was loud music.

Mr. Alvarez responded yes, that was for our grand opening. A police officer was called out there and he said the music was okay and not to turn the volume any louder but since then there has been no music.

Acting Chairman Rick Cano stated there was something mentioned about the students from the nearby school going into your business.

Mr. Alvarez responded he can't control who enters and he does see a lot of students with their parents in the morning picking up breakfast and afterschool there may be about 7 or 8 students that stop by the store.

Acting Chairman Rick Cano stated there is a list of 26 people that reside in the area and are against the onsite consumption of alcohol.

Mr. Jay Keefer stated he lived in the area and heard the loud music at the grand opening of the business. He stated I grew up on this street and we played all day on the street and now I don't let my kids on the driveway without me being outside now; because of the traffic that increased in there. As far as the alcohol consumption that would probably just accentuate the difficulties that are being experienced in the neighborhood already and I also hope that you don't approve it.

Mr. Raul Santiago stated he was the licensing service that did the paper work for Mr. Alvarez so he could get his license and from what I have heard there is no evidence of crimes, injuries or fatalities and there is a neighbor across the street that is also selling beer and wine, however he sells it to go. This gentleman wants to comply with whatever you require and he has also worked closely with Planning and Zoning employees as well. Mr. Santiago stated he worked for TABC and the problems they are dealing with are very legitimate but everyone has those problems Brownsville, McAllen and Port Isabel and schools within a 1000' radius requiring the permittee to put up a much higher bond than if you were not within 1000' from a school and he has extra bonds in case he does violate the laws which the police department can enforce and report to TABC and they would take care of it. Mr. Alvarez stated that if there were any problems coming from the store he would be happy to assist any complaints that the neighbors have.

Acting Chairman Rick Cano stated that since the opening there are more complaints of students going in the store and the cars burning rubber when they exit and these are just some things that they were seeing since the opening and now they're concerned if they consume alcohol there what else can happen.

Mr. Tomas Moncivais stated based on what I see it's not the community that is against the business, it's just a concern for the safety and the welfare of the community of the kids and the people in the surrounding area with the consumption of alcohol.

Mr. Tomas Moncivais motioned to deny the conditional use permit for the onsite consumption. Temporary Chairman Rick Cano seconded the motion. Motion carried. 3 to 1

D. Action on a variance request from plat note No. 6 on B.J. Resorts Inc. Subdivision which requires "mobile homes to be permitted on perimeter sites only on property physically located at 1048 N. Alamo Rd., legally described as all of B.J. Resorts, Inc. Subdivision.

Mr. Bobby Salinas went over the write up, stating this is Casa Del Valle RV park and the site is located 1,240' north of S.H. 495 along the east side of Alamo Rd. When the subdivision was recorded it had a plat note that say mobile homes are permitted on the perimeter sites only so because of that note we have to enforce that as part of our review when people want to move things in to the RV Park. He stated they would like to convert an area for mobile homes and in the perimeter there are mobile homes and then you have RV's, but now they would like to change certain sections of it and because of the plat note I have to go against it because the plat note is what we need to enforce. He stated basically what they are doing is asking for the variance to allow mobile homes within the area and that will allow staff to permit mobile homes in the interior lots when Casa Del Valle decides to convert any interior lots for mobile homes then it's easier for us because of the variance to the plat note, that will allow us to work with them and allow those kinds of changes within their subdivision. Previously there were several mobile homes that were permitted on the interior lots. Staff visited site and found there are currently 9 mobile homes located on the interior RV sites. This variance would reconcile the existing and future mobile homes being placed on interior lots. With this variance staff will be able to modify the Casa Del Valle land use plan as needed. Staff is recommending to approval of the variance. This item is now before you.

Mr. Tomas Moncivais motioned Tomas Moncivais motioned to approve the variance request as presented. Ms. Judy Davila-Lucio seconded the motion. Motion carried.

II. ADJOURNMENT

Mr. Tomas Moncivais motioned to adjourn the Planning and Zoning meeting. Ms. Judy Davila-Lucio seconded the motion. Motion carried.

Acting Chairman, Rick Cano

ATTEST:

Dalia Zuniga, Planner I

CONDITIONAL USE PERMIT

Sale and On-Site Consumption of Alcohol
"La Texana Bar"
1131 S. Alamo Rd.
Lot 1, Country Living Estates No. 2
C Commercial District
Silvia De Ruiz Cruz

REVIEW DATA

SITE: The subject site is located approximately 700' North of Moore Rd on the west side of Alamo Rd. **see vicinity map.** The site currently has an existing 1,170 S.F. commercial building that was previously approved as Sandra's Bar on 2/18/2015. **See P&Z minutes.** This site has access off of Alamo Rd.

- **Section: 10-13-8 (2 a):** Requirements of a Conditional Use: The property line of the lot of any of the above mentioned businesses, especially those businesses having late hours (after 10:00 P.M.), must be at least three hundred feet (300') 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 not visible and cannot be heard from a residential area, and must be designed to prevent destruction of the character of adjacent residential areas. (Ord. 1-18-00, 1-18-2000).
- **Staff:** 6 employees
- **Hours of Operation:** Every day from 5:00 p.m. to 2:00 a.m. Alcoholic beverages should only be sold during allowable state selling hours.
- **Parking:** As per City code (1 space for every 150 sq. ft. of floor area, plus 1 parking space for every 3 seats) is required. Floor space $1,170 \div 150 = 7$ and number of seats $49 \div 3 = 16$ therefore a total of 23 spaces are required for this type of business. During the CUP for Sandra's Bar staff required additional parking to be installed. The owner of the property installed the parking and is now in compliance with code.

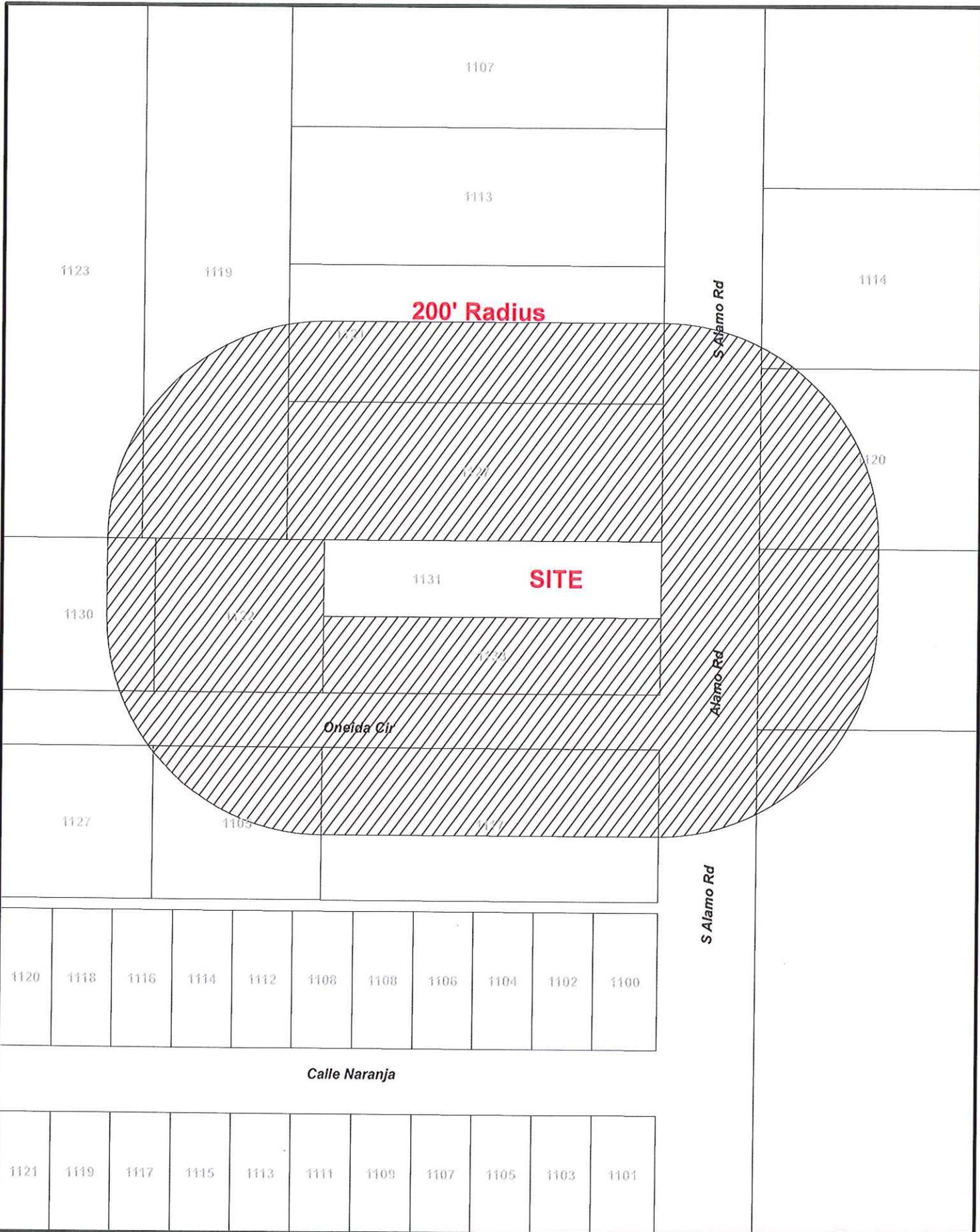
REVIEW COMMENTS:

Staff reviewed and found that there were two conditional use permits previously approved at this location with no complaints. There are a few homes within the 300' radius. A waiver of the separation requirement needs consideration. Since this is a new bar that will be open during late hours, staff is recommending the use of uniformed security during the late hours. Staff does not object to the approval of this new conditional use permit.

RECOMMENDATION

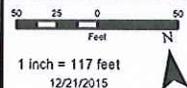
Staff recommends approval subject to:

1. Must comply with Facility, Fire Department Inspections and obtain a Business and Liquor License with the City.
2. Waiver of 300' separation requirement.
3. Uniformed Security during late hours.



CITY OF ALAMO, TX

1131 S. Alamo Rd.





CITY OF ALAMO, TX

1131 S. Alamo Rd.



50 25 0 50
Feet
N
1 inch = 117 feet
12/21/2015



Onaida Cr.

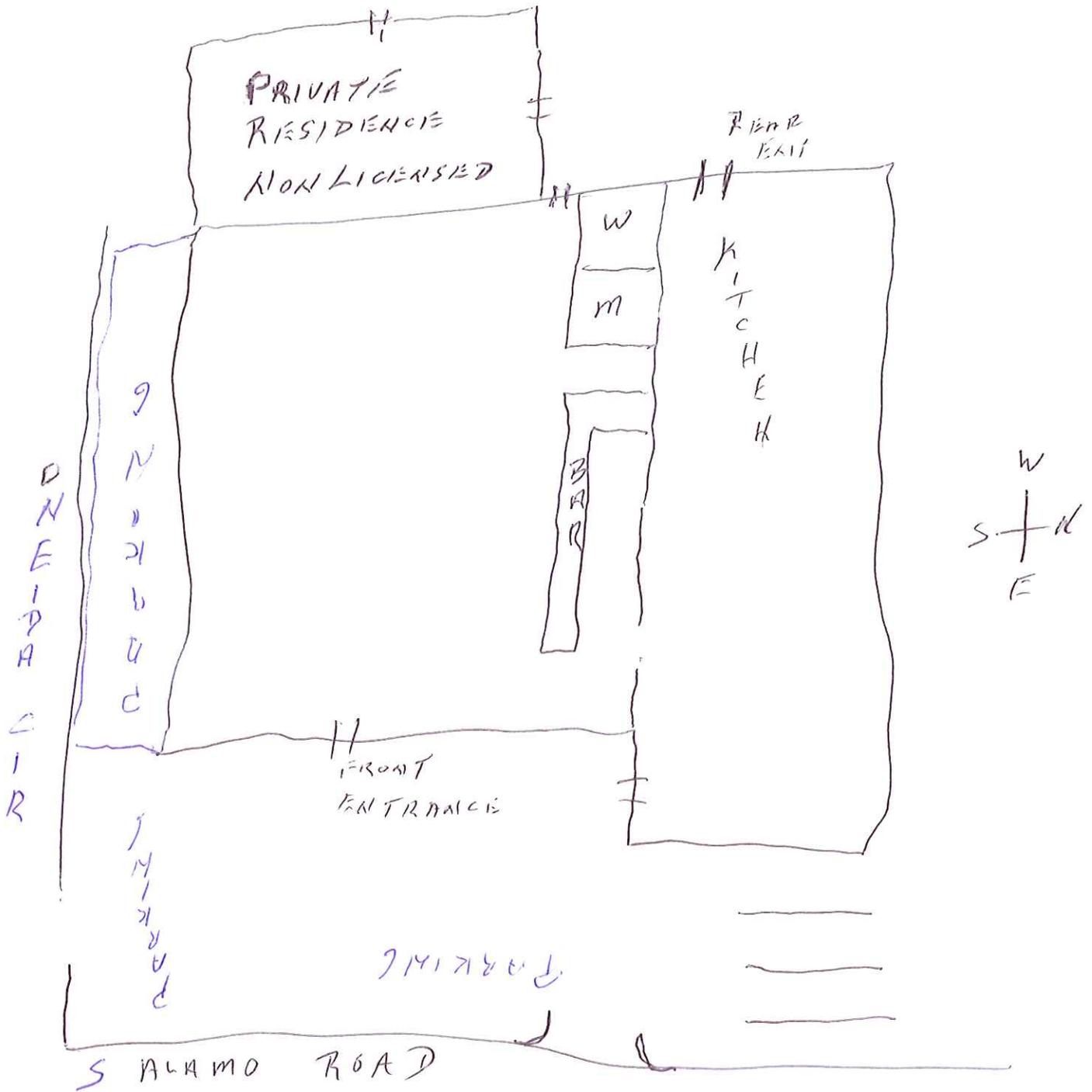
Alamo Rd.

SITE

New Asphalt Parking Area

GEO_ID	NAME	ADD3	ADD2	ADD_ST	ZIP	LEG
A1800-00-028-0004-18	MARTINEZ ADALBERTO & MARGARITA	1116 BALLI RD	ALAMO	TX	78516	ALAMO LAND & SUGAR CO W280'-N165'-S660' & E557.04'-N165
A1800-00-028-0004-04	SMITH GEORGE L & JEANETTE J	1114 S ALAMO RD # 12D	ALAMO	TX	78516	ALAMO LAND & SUGAR CO W330'-S165'-N495' LOT 4 BLK 28 1.
A1800-00-028-0004-03	DOFFING JOHN M	916 ANACUA ST	ALAMO	TX	78516	ALAMO LAND & SUGAR CO W330'-S165'-N660' LOT 4 BLK 28 1.
A1800-00-028-0004-00	UNIVERSAL TRUCKERS INC	PO BOX 653	ALAMO	TX	78516	ALAMO LAND & SUGAR CO S495' LOT 4 BLK 28 15AC GR 14-55A
C9025-02-000-0012-00	CHAPA HOMES INC	PO BOX 489	ALAMO	TX	78516	COUNTRY LIVING ESTATES #2 LOT 12
C9025-02-000-0011-00	HERNANDEZ DORA	1105 ONEIDA CIR	ALAMO	TX	78516	COUNTRY LIVING ESTATES #2 LOT 11
M6252-00-000-0004-00	GONZALEZ ENRIQUE & AGRIPINA	1121 S ALAMO RD	ALAMO	TX	78516	MOORE ROAD LOT 4
C9025-02-000-0003-00	ZUNIGA EDELMIRO C	1122 ONEIDA CIR	ALAMO	TX	78516	COUNTRY LIVING ESTATES #2 LOT 3
C9025-02-000-0004-00	GARZA CINTIA S	PO BOX 1142	OLMITO	TX	78575	COUNTRY LIVING ESTATES #2 LOT 4
M6252-00-000-0006-00	MONCAYO RODOLFO & JUAN J	1700 STAR RUBY DR	SAN JUAN	TX	78589	MOORE ROAD LOT 6
M6252-00-000-0005-00	CAZAREZ ELIZABETH	1337 MOORE RD	ALAMO	TX	78516	MOORE ROAD LOT 5
C9025-02-000-0002-00	CAZAREZ ELIZABETH	1337 MOORE RD	ALAMO	TX	78516	COUNTRY LIVING ESTATES #2 LOT 2
M6252-00-000-0007-00	BERNAL ELEAZAR & SAN JUANA	1123 MOORE RD	ALAMO	TX	78516	MOORE ROAD LOT 7
C9025-02-000-0010-00	HERNANDEZ PEDRO & JOEY NICOLE	1127 ONEIDA CIR	ALAMO	TX	78516	COUNTRY LIVING ESTATES #2 LOT 10

1131 S Alamo Road



10-TABLES

40 CHAIRS

9 STOOLS

VARIANCE: Construction of a New Home on
Property Zoned R-MH Mobile Home and
Modular Home District.
466 Monterrey Dr.
Lot 69, La Casa Real Unit 1
Jesus Marez, Jr.

● **SITE:** The site is located 600' east of Tower Rd. on the north side of Monterrey Dr. –see **vicinity map**. The lot's dimensions are 50.75' X 125'. The applicant is proposing construction of a single family home.

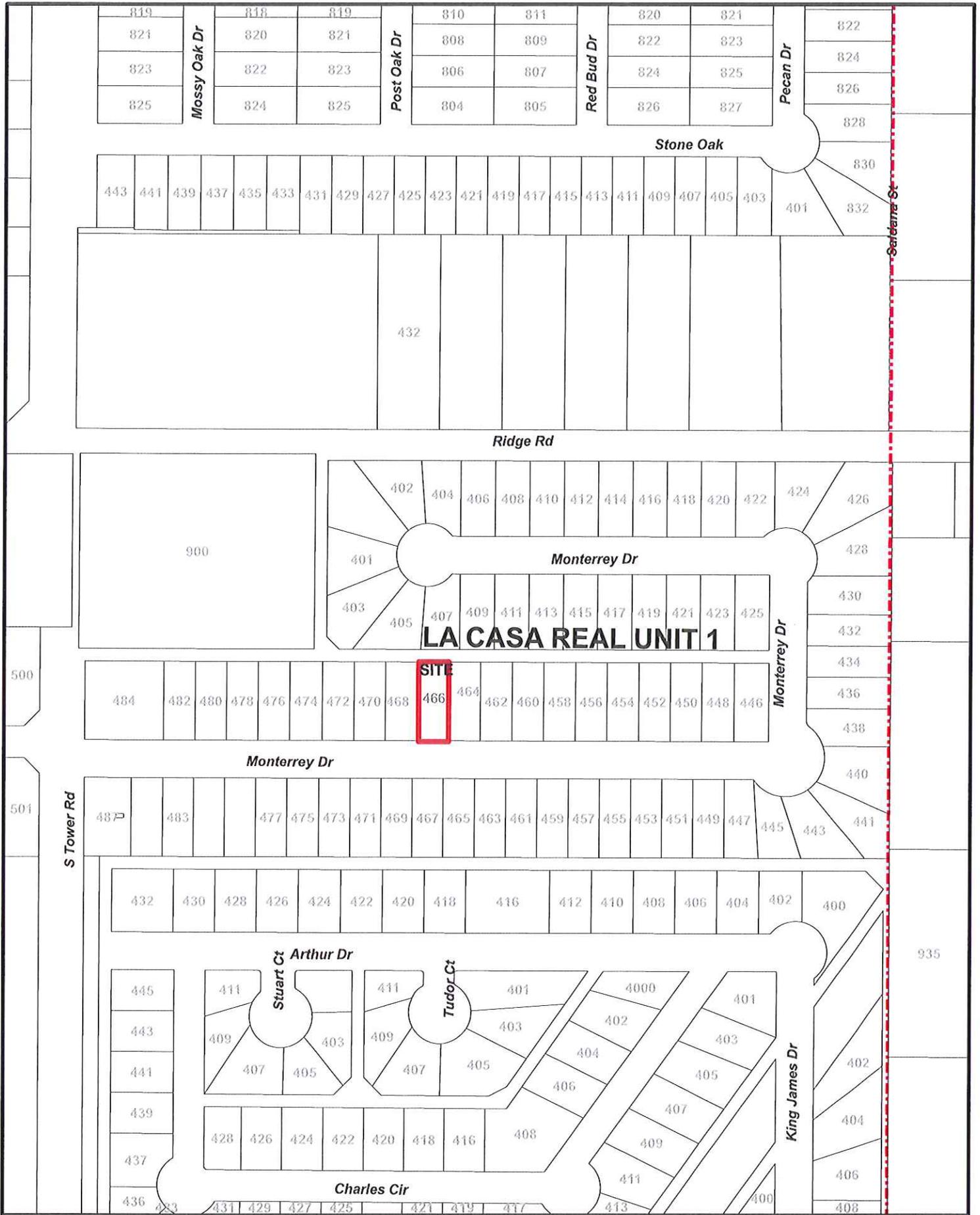
● Mr. Arturo Nava came into our office inquiring about said lot and was interested in purchasing the lot from Mr. Jesus Marez, Jr. Staff informed Mr. Arturo Nava this was a Mobile Home and Modular Home District and only mobile homes were allowed. Mr. Arturo Nava states that there are other residential homes within the subdivision and applied for the variance request on 12/9/2015.

● **ZONING CODE:** Section 10-7-2 of the Alamo Zoning Code states the permitted uses under the R-MH zone. A single family home is not a permitted use in this zone.

HISTORY: This subdivision was annexed into the City of Alamo in 1993; staff did not find any record of variances that were approved for construction of homes within the subdivision, which means that the existing 35 residential homes were constructed back when the subdivision was in Alamo's ETJ

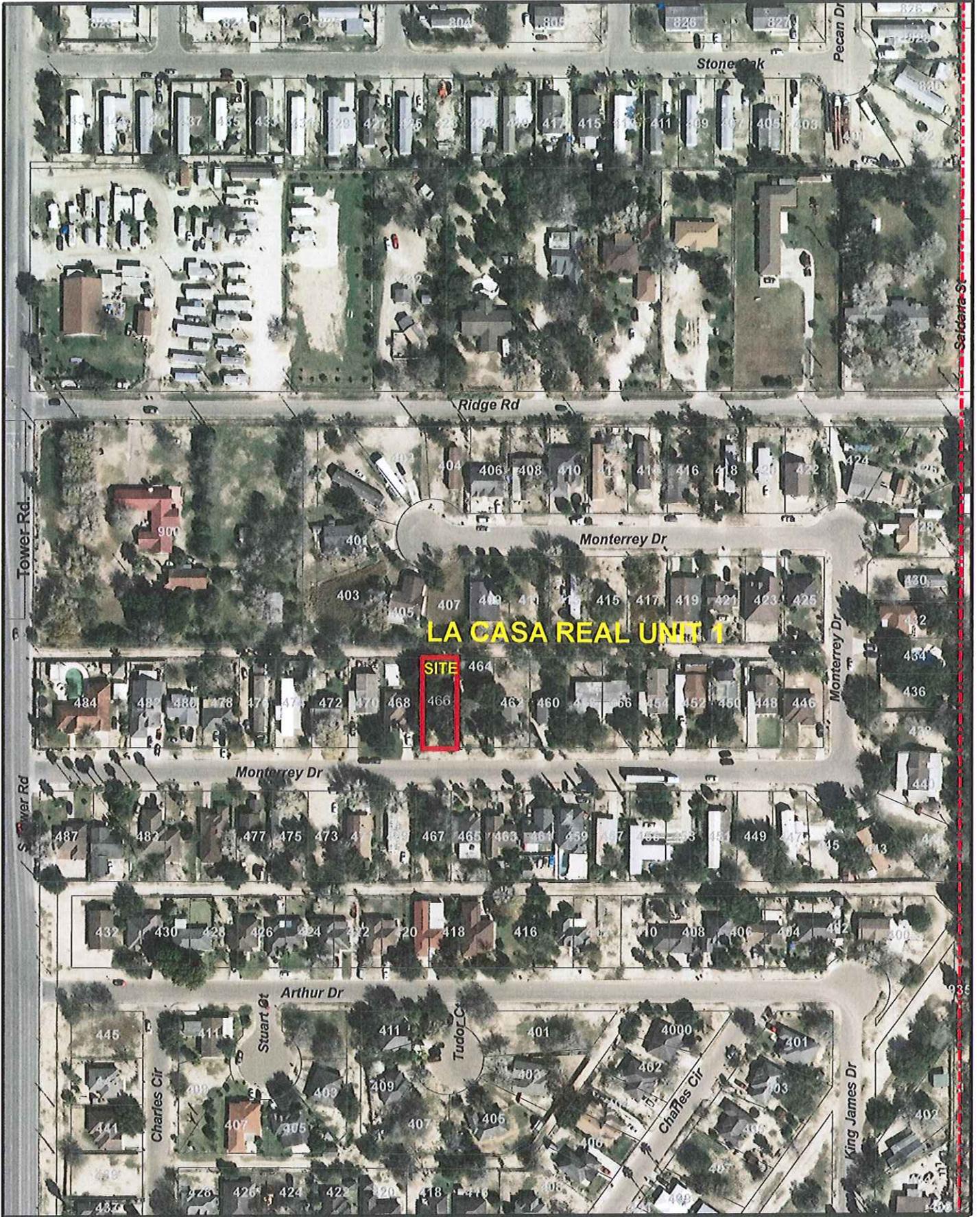
REVIEW COMMENTS: The purpose of zoning is to have the orderly development of property in order to separate uses that are thought to be incompatible and to prevent new development from interfering with existing uses. Staff verified that there 35 single family homes versus 22 mobile homes. It seems that this particular development has slowly transitioned from mobile home uses to single family uses. Also, there are several existing single family home adjacent to this site. Due to the large amount of existing single family homes, staff does not object to the variance proposed.

RECOMMENDATION: Staff recommends approval.



LA CASA REAL UNIT 1

SITE



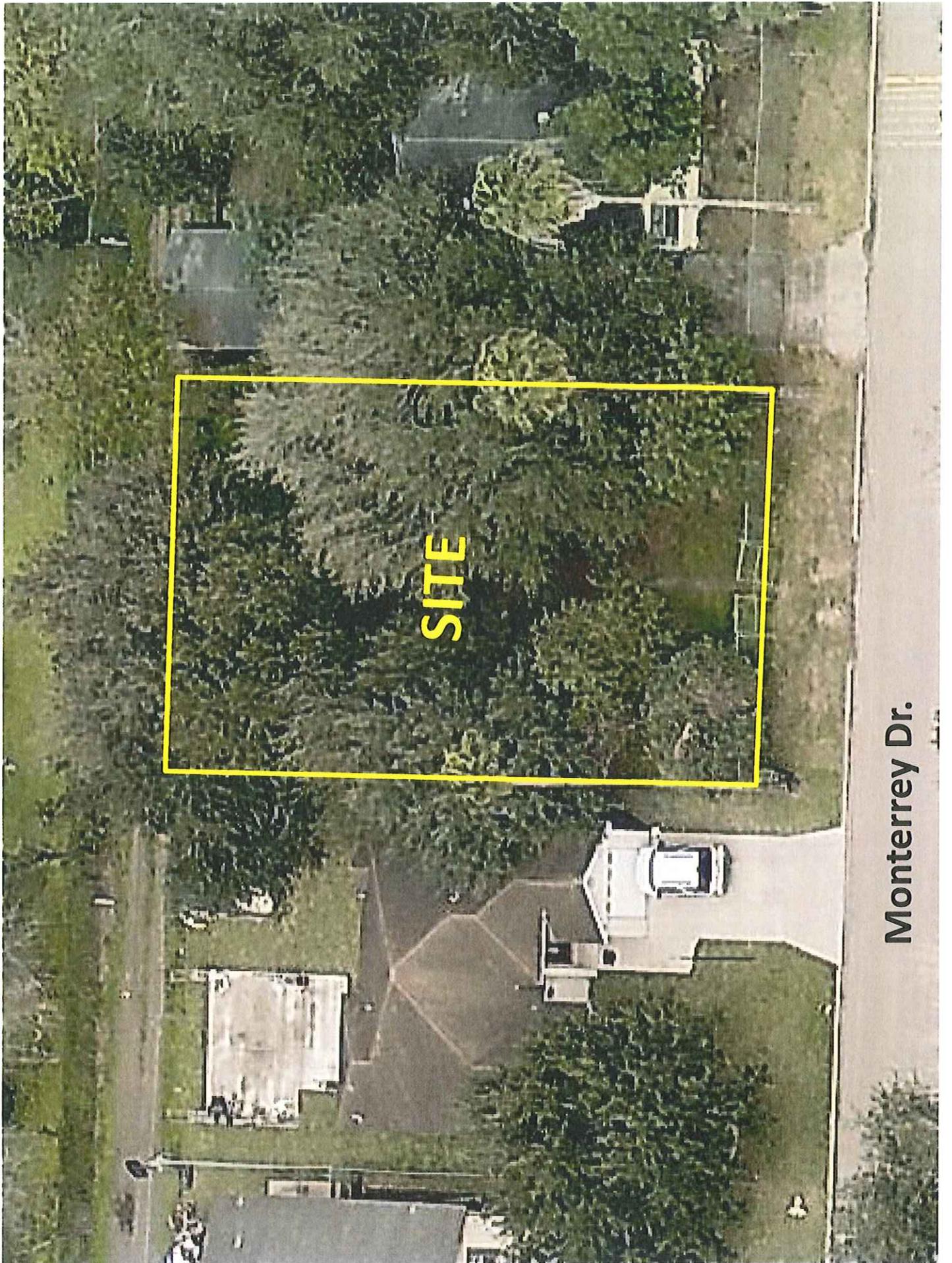
CITY OF ALAMO, TX

466 Monterrey Dr.



SF = Single Family Homes





SITE

Monterrey Dr.

Jesus Meraz Jr.

Dec 12, 2015

341 N. CENTRAL AVE

WOOD DALE IL 60191

I JESUS MERAZ SR. GIVE FULL AUTHORIZATION TO MR.
ARTURO NAVA WITH ADDRESS AT 101 SAN VICENTE DR.
ALAMO TX 78516 TO START ANY TYPE OF CONSTRUCTION
IN MY LOT WITH LEGAL DESCRIPTION AT LA CASA REAL
LOT 69 - 466 MONTEREY DR. ACREAGE .1456 WITH
PIN # L0720-00-000-0069-00 PLEASE FEEL TO CALL
ME WITH ANY QUESTIONS OR CONCERNS AT 630.440.7380
THANK YOU IN ADVANCE FOR ALL YOUR HELP WITH
THIS MATTER . .

x Jesus Meraz Jr.

MR. JESUS MERAZ JR.



NOTARY PUBLIC
OSCAR DIAZ